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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FIJI WATER COMPANY, LLC, a
Delaware limited liability company;
PARAMOUNT INTERNATIONAL
EXPORT LTD., a Cayman Islands
company limited by shares, and
NATURAL WATERS OF VITI
LIMITED, a Fijian private company
limited by shares,

Plaintiffs,

v.

FIJI MINERAL WATER USA, LLC, a
Delaware limited liability company; FMW
USA LICENSING, LLC, a Delaware
limited liability company; MINERAL
WATERS OF FIJI, a business form
unknown; PURE MINERAL WATERS
OF FIJI, LLC, a California limited
liability company; FIJI IMPORTS, LLC, a
California limited liability company;
STRAUB DISTRIBUTING COMPANY,
LLC, a California limited liability
company; STRAUB DISTRIBUTING
COMPANY, LTD., a California
partnership; COAST BEVERAGE
GROUP, LLC, a California limited
liability company; GLOBAL H2O
DISTRIBUTORS, INC.; and DOES 1-10,

Defendants.

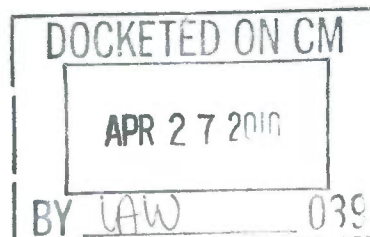
Case No. SACV09-01148 CJC MLG

**SECOND AMENDED COMPLAINT
FOR:**

**FEDERAL TRADEMARK AND
TRADE DRESS INFRINGEMENT;
VIOLATION OF THE LANHAM ACT
SECTION 43(A);
FEDERAL TRADEMARK
DILUTION;
UNFAIR COMPETITION UNDER
CALIFORNIA BUSINESS &
PROFESSIONS CODE SECTION
17200 ET SEQ.;
CALIFORNIA COMMON LAW
UNFAIR COMPETITION.**

DEMAND FOR TRIAL BY JURY

Complaint filed: October 6, 2009
First Amended Complaint filed:
November 6, 2009 _



1 Plaintiffs Fiji Water Company LLC and Paramount International Export Ltd
2 hereby allege as follows:

3 **PARTIES**

4 1. Plaintiff Fiji Water Company LLC (“FWC”) is a Delaware limited liability
5 company with its principal place of business in Los Angeles, California. FWC and its
6 affiliates produce and market bottled still artesian water from the islands of Fiji under
7 the FIJI® brand, and distribute this bottled water product worldwide, including the
8 Unites States, Southern California, and the greater Los Angeles area.

9 2. Plaintiff Paramount International Export Ltd. (“Paramount International”)
10 is a Cayman Islands company limited by shares, doing business in California.
11 Paramount International is an affiliate of FWC, and is the owner of the trademarks and
12 trade dress used in connection with the FIJI® brand bottled water products at issue in
13 this case.

14 3. Plaintiffs FWC and Paramount International are hereinafter collectively
15 referred to as “FIJI” or “Plaintiffs.”

16 4. Defendant Fiji Mineral Water USA, LLC (“FMW”) is a Delaware limited
17 liability company, doing business in California. On information and belief, FIJI alleges
18 that FMW is involved in the importation of Defendants’ bottled water products from the
19 islands of Fiji for further distribution within the United States.

20 5. Defendant FMW USA Licensing, LLC (“FMW Licensing”) is a Delaware
21 limited liability company, doing business in California. On information and belief, FIJI
22 alleges that FMW Licensing or an affiliate has attempted to secure trademark rights in
23 “VITI” for use in connection with Defendants’ bottled water products.

24 6. Defendant Mineral Waters of Fiji (“Mineral Waters”) is a company of
25 unknown business form. On information and belief, FIJI alleges that Mineral Waters’
26 principal place of business is located in the Fiji Islands, and that it either operates,
27 oversees or manages the production and export of Defendants’ bottled water products in
28 the Fiji Islands.

1 7. Defendant Pure Mineral Waters of Fiji, LLC ("Pure Waters") is a
2 California limited liability company. On information and belief, FIJI alleges that Pure
3 Waters is involved in the importation and/or distribution of Defendants' bottled water
4 within the United States.

5 8. Defendant Fiji Imports, LLC ("Imports"), located in Galt, CA, hold itself
6 out to be a limited liability company. On information and belief, FIJI alleges that
7 Imports is involved in the importation of Defendants' bottled water products from the
8 islands of Fiji for further distribution within the United States.

9 9. Defendant Straub Distributing Company, LLC ("Straub LLC") is a
10 California limited liability company, doing business in California. On information and
11 belief, FIJI alleges that Straub LLC distributes Defendants' bottled water within the
12 United States.

13 10. Defendant Straub Distributing Company, Ltd. ("Straub Ltd.") is a
14 California limited partnership, doing business in California. On information and belief,
15 FIJI alleges that Straub Ltd. distributes Defendants' bottled water within the United
16 States.

17 11. Defendant Coast Beverage Group, LLC ("Coast Beverage"), is a California
18 limited liability company, doing business in California. On information and belief, FIJI
19 alleges that Coast Beverage Group distributes Defendants' bottled water within the
20 United States.

21 12. Defendant Global H2O Distributors, Inc. ("Global H2O"), is a California
22 corporation, doing business in California. On information and belief, FIJI alleges that
23 Global H2O Distributors, Inc. distributes Defendants' bottled water within the United
24 States.

25 13. Defendants FMW, FMW Licensing, Mineral Waters, Pure Waters, Imports,
26 Straub LLC, Straub Ltd., Coast Beverage and Global H2O are hereinafter collectively
27 referred to as "VITI."

28 14. FIJI is not aware of the true names and capacities of the Defendants

1 identified herein as Does 1 through 10, inclusive, and therefore fictitiously names said
2 Defendants. FIJI will amend this Complaint to allege the true names and capacities of
3 these fictitiously named Defendants when their identities are ascertained.

4 15. FIJI is informed and believes, and based thereon alleges, that Defendants
5 FMW, FMW Licensing, Mineral Waters, Pure Waters, Imports, Straub LLC, Straub
6 Ltd., Coast Beverage and Global H2O and each of the fictitiously named Doe
7 Defendants (collectively, "Defendants") were in some manner responsible for the acts
8 alleged herein and the harm, losses and damages suffered by FIJI as alleged hereinafter.
9 FIJI is also informed and believes, and based thereon alleges, that while participating in
10 such acts, each Defendant was the agent, principal, and/or alter ego of the other
11 Defendants, and was acting in the course and scope of such agency and/or acted with
12 the permission, consent, authorization or ratification of the other Defendants.

13 16. As described further below, FIJI is informed and believes, and based
14 thereon alleges, that Defendants' conduct business and distribute their product in
15 California and within this Court's jurisdiction in Southern California and the greater Los
16 Angeles area.

17 JURISDICTION AND VENUE

18 17. This action arises, in part, under the Lanham Act, as amended, 15 U.S.C.
19 Sections 1114, 1125; California Business and Professions Code Section 17200 et seq.;
20 and California common law. This Court has subject matter jurisdiction over this action
21 pursuant to 15 U.S.C. Section 1121 (trademark claims under the Lanham Act), 28
22 U.S.C. Section 1331 (federal question), 28 U.S.C. Section 1338 (unfair competition
23 related to trademark claims) and 28 U.S.C. Section 1367 (supplemental jurisdiction).

24 18. FIJI is informed and believes, and based thereon alleges, that venue is
25 proper in this District pursuant to 28 U.S.C. Sections 1391(b) and 1391 (c) because a
26 substantial part of the events giving rise to the claims occurred in this District.
27 Additionally, FIJI is informed and believes, and based thereon alleges, that the Court
28 has personal jurisdiction over Defendants because Defendants conduct their ordinary

1 business activities in this District, have focused a substantial portion of their unlawful
2 conduct in Los Angeles County within this District, have distributed, and sought to
3 distribute, infringing products in this District, and generally engage in business in this
4 District and the greater Los Angeles area.

5 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

6 **I. The Designing, Marketing, Bottling And Registration Of The FIJI® Brand**
7 **Bottled Water**

8 19. FIJI produces, markets, sells and distributes bottled water products
9 worldwide in connection with its highly distinctive FIJI® brand. FIJI began bottling,
10 selling and marketing natural artesian mineral water from the Fiji Islands under its
11 FIJI® brand in 1996.

12 20. FIJI® brand water literally created the existing market for bottled water
13 coming from the Fijian Islands. For almost ten years, until 2005, FIJI® brand water was
14 the only commercially available bottled water which originated and was exported from
15 the Fijian Islands. Today, there are approximately ten bottled water products from the
16 Fijian Islands, including FIJI® brand water.

17 21. Last year alone, Americans spent over \$11 billion dollars on bottled water.
18 This is due, at least in part, to concerns surrounding the safety of natural water resources
19 resulting from pollution, acid rain, agricultural and chemical run-off, and decaying
20 water treatment infrastructure.

21 22. Consumers are also drawn to bottled water due to increased health
22 consciousness and the convenience of water in a handy container. To respond to this
23 demand, literally hundreds of brands of bottled water have been created and compete for
24 consumer attention and purchase.

25 23. FIJI® brand water originates from rainfall, which filters over many decades
26 through strata of sandstone and basaltine beds bearing naturally occurring silica within
27 volcanic highlands on the main island of Viti Levu in the Republic of Fiji. These
28 islands are protected by over 1,500 miles of open Pacific Ocean from the nearest

1 continent and are remarkably free of intrusive industry and the problems of acid rain,
2 pesticides and detergents which plague so much of the rest of the world.

3 24. The only notable industries in the Republic of Fiji are tourism and sugar
4 cane farming and the sugar cane industry uses no pesticides or herbicides and no
5 mechanization for harvesting.

6 25. FIJI® brand water is well known by the consuming public for its purity and
7 traces of various healthful minerals, including silica, considered by many to be an
8 essential element for wellness and vitality.

9 26. In 1999, FIJI® brand water was awarded the American Tasting Award of
10 Excellence by the National Board of the American Tasting Institute.

11 27. To achieve the highest possible bottled water quality and purity, unlike
12 most bottled water manufactures, FIJI® brand water is bottled, by choice, under the
13 strictest quality standards at a bottling facility which is accredited to ISO 9001 and ISO
14 14001 by the International Standards Organization ("ISO"), an organization which
15 implements standards for quality management and assurance. ISO Section 9001 is a
16 quality assurance model made up of nineteen sets of system quality requirements and
17 ISO 14001 is a standard for environmental management systems. Only a handful of
18 bottled water manufacturers are known to be accredited by the ISO.

19 28. The combination of FIJI's use of uniquely square-shaped packaging and
20 product configuration, its distinct color scheme, tropical motif, trademark stylization
21 and transparent labelling, makes the trade dress created by FIJI inherently distinctive
22 ("FIJI Trade Dress"). The elements in the FIJI Trade Dress that make it inherently
23 distinctive include the following:

- 24 a. a bottle design with a predominantly square shape (and square in shape
25 where the label is affixed);
26 b. a bottle design which is clear and transparent to the naked eye;
27 c. a bottle design which includes a recessed central body portion defined
28 by protruding shoulders and base portions, with the label positioned in the recessed

1 body portion;

2 d. a bottle cap that is a distinct blue color;

3 e. an outer front label which includes the use of a colorful, tropical motif
4 featuring a pink tropical flower in the lower right-hand corner of the label and bottle
5 (from the consumer's perspective);

6 f. an inner back label which includes a depiction of tropical foliage;

7 g. the creation of a three dimensional effect created by use of a partially
8 transparent label on the front panel of the bottle revealing the inner side of the back
9 label;

10 h. prominent use of the four-letter, two-syllable word "FIJI," both
11 syllables ending in the letter "i";

12 i. the stylization of the FIJI® Mark in block, capitalized white letters
13 outlined;

14 j. a distinctive rainwater "drop" on the front portion of the label; and

15 k. a statement on the front label stating it is "From the islands of
16 FIJI®/NATURAL ARTESIAN WATER." Attached hereto as Exhibit A is a true and
17 correct copy of photographs of the FIJI® Marks and Trade Dress as used in commerce.

18 29. With the exception of the addition of the rainwater "drop" on the front
19 label added in 2007, the above-referenced elements of the FIJI Trade Dress have been
20 continuously used in interstate commerce (and worldwide) in connection with FIJI's
21 bottled water product for many years. In addition to being inherently distinctive, the
22 predominantly square design of the FIJI® brand bottle itself, combined with the
23 additional trade dress elements, has acquired a secondary meaning, whereby the
24 consuming public and those in the trade associate these features with FIJI as the single
25 source.

26 30. FIJI uses numerous trademarks in interstate commerce in connection with
27 its marketing, distribution and sale of artesian water, many of which are registered with
28 the United States Patent and Trademark Office ("USPTO"). The FIJI registered

1 trademarks and trade dress are:

2 a. the word mark FIJI® for use on natural, spring and artesian water
3 (Registration Nos. 2703620 and 2164851);

4 b. the stylized word mark FIJI® combined with the design of tropical
5 flowers, foliage and water on the packaging of natural, spring and artesian water
6 (Registration Nos. 2703802 and 2714973);

7 c. the stylized mark FIJI® for use on drinking water and natural artesian
8 water (Registration No. 3282520);

9 d. the design of the stylized word FIJI® and a stylized rendering of a
10 hibiscus flower surrounded by foliage and palm tree fronds for the use on drinking
11 water and natural artesian water for drinking (Registration No. 3285644);

12 e. the design of the stylized word FIJI® combined with the design of trees,
13 palm tree fronds and flowers for use on drinking water and natural artisan water
14 (Registration No. 3,385,371);

15 f. the design of the stylized word FIJI® combined with the design of palm
16 tree fronds, for use on drinking water and natural artisan water (Registration No.
17 3,381,795);

18 g. the design of a hibiscus flower surrounded by foliage, above which
19 appears the stylized word portion of the stylized word FIJI® for use on drinking water
20 and natural artesian water (Registration No. 3282513); and

21 h. the bottle and cap design for use on natural, spring and artesian water
22 for drinking (Registration Nos. 2911918 and 2286974). FIJI also has numerous
23 registered copyrights in the FIJI bottle labelling. Attached hereto as Exhibits B-L are
24 true and correct copies of the trademark registration certificates for the registration of
25 the above-referenced FIJI trademarks as issued by the USPTO.

26 31. Plaintiff Paramount International owns all right, title and interest to the FIJI
27 trademarks and FIJI Trade Dress, Exhibits B through L (collectively, the "FIJI Marks").
28 Attached hereto as Exhibit M are printouts of the assignment records of the USPTO

1 reflecting Paramount International's ownership of the FIJI Marks and their federal
2 registrations.

3 32. VITI had constructive notice of FIJI's rights in their federally registered
4 trademarks under 15 U.S.C. Section 1072 which states "Registration of a mark on the
5 principal register provided by this Act or under the Act of March 3, 1981, or the Act of
6 February 20, 1905, shall be constructive notice of the registrant's claim of ownership
7 thereof."

8 33. The FIJI Marks were custom designed to convey the benefits, uniqueness
9 and purity of water that fell hundreds of years ago, has been filtered through volcanic
10 rock, and is now collected by FIJI from an artesian aquifer deep within the earth.
11 Consistent with this theme, the FIJI Trade Dress incorporates: its unique square-shaped
12 bottle that creates a three dimensional tropical, pure effect by having a partially
13 transparent label on the bottle's front panel, revealing the tropical artwork on the inner
14 back label.

15 34. The FIJI Marks and FIJI Trade Dress also includes proprietary and
16 specialized bottles that are manufactured exclusively for FIJI and require specialized
17 and proprietary equipment and shrink wrap materials for labeling and packaging.

18 35. There is no "utilitarian advantage" to FIJI's trade dress and FIJI does not
19 tout any utilitarian aspects of its design in its advertising. The collection of color, style,
20 shape and text that are included on the FIJI® bottle are purely aesthetic and simply
21 serve to create a unique and distinctive packaging for the product. There are numerous
22 alternative designs available to other competitors in the market. Indeed, out of
23 approximately four hundred bottled water products marketed throughout the United
24 States, only a handful are believed to use a square bottle and none of which use the
25 numerous additional trade dress elements used with FIJI® products.

26 36. The FIJI® bottle and label design were not created based on economies and
27 are certainly not the result of "inexpensive methods of manufacture." Instead, the FIJI®
28 brand water bottle and label design is relatively expensive compared to alternative

1 available designs because the bottle lacks reinforcing ribbing and thus requires the use
2 of more plastic than other designs. Moreover, the three-dimensional labels require more
3 specialized labeling equipment and takes more time to apply to the bottle than other
4 labeling techniques.

5 37. Because bottled water is considered a “fast moving” consumer good and
6 because of its wide distribution and low cost, consumers are likely to make purchases of
7 bottled water quickly. For this reason, FIJI spent a considerable sum of money
8 developing the FIJI® brand water bottle and label. That investment thus far has paid off
9 as the bottle’s unique and creative design is widely recognized as a source-identifier of
10 FIJI® brand water.

11 38. The FIJI Marks and FIJI Trade Dress are inherently distinctive. In the
12 alternative, because of FIJI’s exclusive and extensive use of the FIJI Marks and FIJI
13 Trade Dress, they have acquired considerable value and have become extremely well
14 known to the consuming public as identifying and distinguishing FIJI exclusively, and
15 uniquely, as the source of products to which the FIJI Marks and FIJI Trade Dress are
16 applied. Thereby, the FIJI Marks and FIJI Trade Dress have acquired secondary
17 meaning and distinctiveness.

18 39. The FIJI Marks and FIJI Trade Dress are used uniformly and consistently
19 in every product, advertisement and promotion in commerce in connection with FIJI’s
20 bottled water products.

21 40. FIJI, its distributors and their distributor customers, both nationally and
22 internationally, have continuously and exclusively used the FIJI Marks and FIJI Trade
23 Dress to distinguish themselves as the source of goods and services in connection
24 therewith.

25 41. FIJI water is well known and famous. Since 1996, FIJI has invested
26 approximately \$72 million in the FIJI® brand. FIJI® brand water has become the best
27 selling imported brand of bottled water in the United States, having sold over 1.1 billion
28 bottles of water in just over a decade. FIJI also has built substantial goodwill in

1 connection with its FIJI® brand in other countries, including, but not limited to, Fiji,
2 Canada and Australia.

3 42. FIJI has also pursued direct marketing efforts to grocery, gourmet food,
4 health food, and other specialty stores, delicatessens, restaurants, hotels, museums,
5 movie theatres, nightclubs, and health clubs throughout the world.

6 43. FIJI's philosophy is to support worthwhile local community efforts and
7 simultaneously share advice about healthy water. In addition to advertising and direct
8 marketing, FIJI sponsors many important and high profile charity events and
9 contributes a portion of revenues from the sale of its FIJI® brand water to educational
10 programs, scholarships, and infrastructure improvements in the Islands of Fiji. Attached
11 as Exhibit N are newsletters outlining some of FIJI's charitable efforts through the Fiji
12 Water Foundation.

13 44. On October 27, 2004, former Secretary of State Colin Powell presented the
14 2004 Award for Corporate Excellence to FIJI in Washington, DC. The award
15 recognizes U.S. firms for their outstanding corporate citizenship, innovation and
16 exemplary business practices, and for exhibiting the qualities of conscience, character
17 and integrity.

18 45. Events sponsored by FIJI include DIFFA (Design Industry Foundation
19 Fighting Aids), 2008-2009 (7 cities); Justin Timberlake Shriner's Hospital for Children,
20 Las Vegas, 2009; Race to Erase MS Gala, Los Angeles; Best Buddies Challenge (3
21 cities), 2008-2009; Academy of Friends Gala, 2009; Tavistock Cup - PGA; the Taste of
22 Tennis, New York; the Newport Jazz Festival; the Ryder Cup; Showdown for the Billie
23 Jean Cup; the GLAAD Media Awards (3 cities); Gift Bags for Good; the Avon Walk for
24 Breast Cancer, 2003-2005 (in 6 cities each year); Yoga Journal Magazine Conferences,
25 2004-2009 (in 3 cities each year); the Easter Bowl USTA Super National Junior Tennis
26 Championships; the Hampton Polo Classic, 2002-2009; the Food & Wine Magazine
27 Classic, 2003-2009; the Aspen Music Festival & School, 2003-2009; Citymeals-on-
28 Wheels Official Water, 2003-2009; Tales of the Cocktail, 2009; American Wine &

1 Food Festival, Los Angeles, 2008-2009; Dance for Life AIDS Fundraiser, 2008; City of
2 Hope Harvest Festival, 2008; Heart of the Hamptons Gala, 2008; the Acura Tennis
3 Classic, 2003-2005; the Mercedes-Benz Fashion Week, 2003-2008; the Grammy
4 Awards, People's Choice Awards and Emmy Awards, 2002-2009; the Revlon
5 Run/Walk for Women, 2002-2004; Bon Appetit Magazine Focus events, 2003-2009;
6 Sundance & Slamdance Film Festivals, 2002-2009; the Andre Agassi Grand Slam for
7 Children, 2002-2009; NY Fashion week on selected shows, 2008-2009; Food and Wine
8 Magazine Best New Chefs, New York, 2009; Wine Spectator's Grand Tour, New York,
9 2009; Autism Speaks Gala dinner, New York, 2009; Taste of the Vineyard (Martha's
10 Vineyard); Celebrity Chefs Ball and Dinner (Meals on Wheels), 2009; Wine Spectator
11 & Luxe Home, Chicago, 2009; Golden Globe Awards, 2009; The Oscars, 2009; AFI
12 Film Festival, 2009; numerous movie premiers; Maui Film Festival, 2008; Grand Food
13 and Wine Affair, 2008-2009; Winter Music Conference, Miami, 2009; Taste of the
14 NFL, Dallas, 2009; The White Party, Austin; Wine & Food Extravaganza, Las Vegas,
15 2009; SEMA, Las Vegas; Cigar Aficionado's Big Smoke Weekend, Las Vegas, 2009;
16 Miami Swim Fashion Week, 2009; and White Party, Florida, 2009. Attached as
17 Exhibit O are samples photographs of or from FIJI sponsored events.

18 46. In connection with the marketing of FIJI® brand water in the United States,
19 FIJI also arranges for strategic placement of the unique FIJI® brand water bottle and
20 label design in television shows and motion pictures. This product placement is a part
21 of FIJI's strategy to establish and maintain in the mind of consumers that FIJI® brand
22 water is a status product.

23 47. The FIJI® brand water bottle and label design has appeared in numerous
24 popular television shows, including "The Newlyweds," "Desperate Housewives," Road
25 Rules," "Real World," "CSI," "CSI: New York," "Boston Legal," "Just Shoot Me,"
26 "Nip Tuck," "Law & Order: SVU," "The Sopranos," "Will & Grace," "West Wing,"
27 "Everybody Loves Raymond," "Friends," "24," "The O.C.," "Sex and the City,"
28 "Grey's Anatomy," "House," "The Apprentice," "The Hills," "Two and a Half Men,"

1 “Keeping up with the Kardashians,” “Entourage,” “Project Runway,” “The Office,”
2 “Lipstick Jungle,” “Who Wants to be a Millionaire,” and “John and Kate plus Eight”.

3 48. The FIJI® brand water bottle and label design has appeared in many major
4 motion pictures, including “The Thomas Crowne Affair,” “Paycheck,” “Dodgeball,”
5 “Matchstick Men,” “Anacondas,” “Kill Bill Vol. 2,” “Saving Silverman,” “Along Came
6 Polly,” “Barbershop,” “Beauty Shop,” “50 First Dates,” “Legally Blonde 2,” “Hostage,”
7 “The Ring 2,” “Fun With Dick And Jane,” “The War Of The Worlds,” “Yes, Man,” and
8 “17 Again”. Recently, President Obama was photographed drinking FIJI® during the
9 United States Presidential election.

10 49. To date, FIJI has expended over \$72 million worldwide in the marketing,
11 advertising, sales and promotion of its FIJI® brand water product making it one of the
12 leaders in the worldwide bottled water industry. Of that amount, more than \$65 million
13 was spent in the United States alone.

14 50. In fact, just in 2008, FIJI spent over \$17.6 million marketing and
15 promoting FIJI® brand water in the United States.

16 51. As a result of extensive marketing, sales and promotional efforts, FIJI®
17 brand water is now the number one selling imported brand of bottled water in the United
18 States and has sold nearly 65 million cases of water in over a decade of existence. The
19 United States is by far the leading market for the sale of FIJI® brand water. Of the 1.1
20 billion bottles of FIJI® sold worldwide since its inception, over 90% (roughly 1 billion
21 bottles) were sold in the United States. The success of FIJI is due to both the quality,
22 purity and taste of its water, and to the highly distinctive, innovative and recognizable
23 water bottle and label design.

24 52. Both FIJI and VITI sell bottled water which is marketed to the same
25 demographic in essentially the same channels. Attached as Exhibit P are printouts of
26 photographs showing FIJI and VITI brand bottled waters in the same am/pm mini-
27 market stores.

28 53. The FIJI® Marks and FIJI Trade Dress on bottled water is widely

1 recognized as an indicator of Plaintiffs' high-quality bottled water product.

2 54. Further, as a result of the wide-ranging circulation and exposure of FIJI®,
3 the bottle's unique and creative design is also widely recognized as a source-identifier
4 of Plaintiffs' product.

5 55. FIJI has been careful, skillful and diligent in conducting its business and
6 maintaining uniform standards of high quality in its goods and services. As a result of
7 these efforts, the FIJI Marks have acquired a public acceptance and reputation, thereby
8 creating a very valuable public goodwill that inures to FIJI's benefit.

9 56. Notwithstanding FIJI's rights in the FIJI Marks, and with notice of FIJI's
10 rights, VITI has in the past, and is continuing to, intentionally and willfully advertise,
11 distribute, and sell bottled water products which infringe the FIJI Marks. FIJI has never
12 authorized or consented to any such use by VITI of the FIJI Marks.

13 **II. Viti's Confusingly Similar Product Is An Intentional And Willful**
14 **Infringement Of FIJI's Trademarks And Trade Dress**

15 57. In September 2007, FIJI became aware of Defendant FMW Water upon
16 learning of a new bottled water product being sold under the name "VitiBlu," and in a
17 standard round-shaped bottle. At that time and long thereafter, to FIJI's knowledge,
18 sales and distribution of the VitiBlu product was limited to the Fijian Islands. Attached
19 as Exhibit Q is a printout of a photograph of the "VitiBlu" product being sold in
20 September 2007 in the Fijian Islands.

21 58. Defendant FMW Water is the registrant of the domain name vitiblu.com.
22 Attached as Exhibit R is a printout of the "WhoIs" registration data for the vitiblu.com
23 domain name.

24 59. According to the website available at vitiblu.com, VitiBlu is distributed in
25 several countries throughout the world and the "Contact Us" webpage states that
26 Defendant FMW Water, located at 751 S. Weir Canyon Road., 157-351 in Anaheim, CA
27 92808 is the distributor for the VitiBlu product in the U.S. Attached as Exhibit S is a
28 printout of the "Contact Us" webpage from the website available at vitiblu.com.

1 60. On February 27, 2009, Defendant FMW Licensing, located at the same
2 address as Defendant FMW Water, namely, 751 South Weir Canyon Road, #157-351 in
3 Anaheim Hills, CA 92808, filed an application to register the trademark VITI for use in
4 connection with “non alcoholic beverages, namely, drinking water” in International
5 Class 32, assigned Serial No. 77/679,983 by the USPTO. Attached as Exhibit T is a
6 printout from the USPTO’s website showing the ownership and status of the VITI
7 trademark application.

8 61. On July 30, 2009, FIJI filed a Notice of Opposition with the Trademark
9 Trial and Appeals Board (“TTAB”) opposing the registration of the VITI trademark on
10 grounds that FIJI will be harmed due to the high likelihood of confusion between the
11 VITI trademark and the FIJI® trademarks and trade dress when used in connection with
12 identical products (the “TTAB Opposition”). Attached as Exhibit U is a printout from
13 the TTAB’s website of the Notice of Opposition filed against the VITI trademark
14 registration, assigned Opposition No. 91191293.

15 62. Specifically, in the TTAB Opposition, FIJI alleges “Applicant’s use of the
16 VITI Mark is likely to cause confusion, mistake, or deception in that consumers are
17 likely to believe Applicant’s Goods are Opposer’s products or the products of a person
18 or entity that is sponsored, authorized or licensed by, or in some other way legitimately
19 connected with, Opposer.” See, Notice of Opposition, Exhibit U, paragraph 12.

20 63. In or around early 2009, FIJI is informed and believes, and based thereon
21 alleges, that, VITI intentionally changed not only the name of its VitiBlu bottled water
22 product, but the overall branding of its VitiBlu product to include many of the FIJI®
23 brand features. Such changes to the VitiBlu brand which infringe the FIJI Marks and
24 FIJI Trade Dress are:

25 a. changing the name from VitiBlu to VITI, making it similar to FIJI® and
26 infringing the FIJI Trade Dress and FIJI Trademark Registration Nos. 2703620,
27 2164851, 2703802, 2714973, 3282520, 3285644, 3385371, 3381795 and 3282513;

28 b. re-designing the bottle from a standard round-shaped bottled to the

1 same shape, size and dimensions as the distinctive FIJI® bottle and infringing the FIJI
2 Trade Dress and FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

3 c. changing the stylization of the brand name from a cursive *VitiBlu* to an
4 outlined block lettering of VITI, similar to FIJI® and infringing The FIJI Trade Dress
5 and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520,
6 3285644, 3385371, 3381795 and 3282513;

7 d. changing the label motif from mostly water with a hint of tropical
8 foliage to primarily tropical foliage, similar to FIJI® and infringing The FIJI Trade
9 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
10 3282520, 3285644, 3385371, 3381795 and 3282513

11 e. changing the phrase “Mineral Water” on the front label to “Natural
12 Artesian Mineral Water,” similar to FIJI® and infringing The FIJI Trade Dress;

13 f. adding a pink ribbon in the bottom right corner of the front label, similar
14 to the pink hibiscus flower on the bottom right corner of the front label of FIJI® and
15 infringing The FIJI Trade Dress and FIJI Trademark Registration Nos. 2703620,
16 2164851, 2703802, 2714973, 3282520, 3285644, 3385371, 3381795 and 3282513; and

17 g. the addition of a raindrop on the front label, similar to FIJI® and
18 infringing The FIJI Trade Dress.

19 64. VITI literally and intentionally, redesigned the trademark and trade dress of
20 its VitiBlu product to copy the inherently distinctive FIJI Marks used by FIJI, and made
21 famous by its distinctiveness, for years. Attached as Exhibit V are printouts of
22 photographs of the original VitiBlu product and the newly designed infringing VITI
23 product.

24 65. In or about April 2009, FIJI is informed and believes, and based thereon
25 alleges, that VITI began to arrange for distribution, marketing and selling their newly
26 designed “VITI” branded bottled water products throughout the United States, including
27 in California. Recently, FIJI, on information and belief, has learned that VITI has taken
28 steps to significantly expand distribution of its products in California and nationwide.

1 66. FIJI is informed and believes, and based thereon alleges, that Defendants
2 Straub LLC, Straub Ltd., Global H2O and Coast Beverage are licensed distributors of
3 the infringing VITI products.

4 67. FIJI is further informed and believes, and based thereon alleges, that as part
5 of their sales distribution efforts in the United States, VITI has improperly, and without
6 authorization, willfully and knowingly infringed the inherently distinctive FIJI Marks.

7 68. The VITI product is infringing because VITI has infringed on the following
8 features:

9 a. the VITI product, like FIJI®, has a predominantly square shape (and
10 square shape where the label is affixed) , infringing the FIJI Trade Dress and FIJI
11 Trademark Registration Nos. 2911918, 3285644 and 286974

12 b. the VITI product, like FIJI®, uses a nearly identical bottle design which
13 is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
14 Trademark Registration Nos. 2911918, 3285644 and 286974;

15 c. the VITI product, like FIJI®, uses a nearly identical bottle design with a
16 recessed central body portion defined by protruding shoulders and base portions, with
17 the label positioned in the recessed body portion infringing the FIJI Trade Dress and
18 FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

19 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
20 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
21 Nos. 2911918, 3285644 and 286974;

22 the VITI product, like FIJI®, uses an outer front label which prominently uses the
23 nearly identical color pink in the lower right-hand portion of the bottle (as viewed by a
24 consumer) infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
25 3282513, 3385371, 3285644, 2703802 and 2714973;

26 e. the VITI product, like FIJI®, uses an inner back label featuring a
27 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
28 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974

1 f. the VITI product, like FIJI®, uses a bottle that creates a three
2 dimensional effect by use of a partially transparent label on the front panel of the bottle
3 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
4 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
5 3282513, 2911918 and 2286974;

6 g. the VITI product, like FIJI®, prominently displays a four-letter, two-
7 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
8 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
9 3282520, 3285644, 3385371, 3381795 and 3282513;

10 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
11 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
12 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
13 3381795 and 3282513;

14 i. the VITI product, like FIJI®, has a “water drop” on its front label
15 infringing the FIJI Trade Dress; and

16 j. the VITI product, like FIJI®, has a nearly identical statement on the
17 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
18 ARTESIAN MINERAL WATER” infringing the FIJI Trade Dress.

19 69. Attached hereto as Exhibit W is a true and correct copy of a photograph of
20 the infringing VITI water product.

21 70. The goods offered for sale and sold by VITI are nearly identical to those of
22 FIJI, and are sold in identical trade channels and are marketed and sold to identical
23 classes of consumers who purchase bottled water with an identical level of
24 sophistication and impulsivity.

25 71. Both VITI and FIJI’s products are sold within the same trade channels i.e.
26 same stores, such as Albertsons and AM/PM. This allows VITI to capitalize on and the
27 goodwill created by FIJI and trade on that goodwill.

28 72. The natural, probable and foreseeable result of the intentional, willful and

1 wrongful conduct of VITI has been to deprive FIJI of business and goodwill, and to
2 injure FIJI's relationships with existing and prospective customers.

3 73. Further, FIJI is informed and believes, and based thereon alleges, that VITI
4 uses the inherently distinctive FIJI Marks in commerce so as to cause a likelihood of
5 confusion between VITI's infringing product and the FIJI® product, or to cause
6 mistake, or to deceive the relevant public that VITI's goods or services are authorized,
7 sponsored or approved by or are affiliated with FIJI. FIJI is further informed and
8 believes, and based thereon alleges, that by intentionally misappropriating the FIJI
9 Marks, VITI is currently causing customer confusion in the marketplace.

10 **III. Likelihood Of Confusion Survey**

11 74. FIJI engaged the services of Mr. Hal Poret, an expert in conducting
12 consumer surveys, to conduct a survey to determine whether a likelihood of confusion
13 existed between the FIJI and VITI bottled water products (the "Survey"). Attached as
14 Exhibit X is a true and correct copy of the survey report by Hal Poret.

15 75. Mr. Poret has implemented nearly 300 consumer surveys, of which more
16 than 125 have been trademark and trade dress surveys, and many others have concerned
17 related issues regarding whether consumers are confused or deceived by product
18 packaging.

19 76. As outlined in detail in the Survey Report, at Mr. Poret's direction, a mall
20 intercept survey was conducted in 12 markets across the country between December 18,
21 2009 and January 3, 2010. The respondents had to qualify by being over the age of 16
22 and likely to purchase bottled water in the three months following the Survey.

23 77. The demographics of respondents matched those of the general population
24 using the data from the U.S. Census Bureau. The survey was conducted in four different
25 geographic parts of the U.S. at randomly chosen malls located in Albany, Atlanta,
26 Boston, Chicago, Indianapolis, Los Angeles, Miami, Minneapolis, New York,
27 Oklahoma City, San Diego and San Francisco.

28 78. The Survey was performed "double blind," meaning that the interviewers,

1 like respondents, were “blind” about the Survey’s purpose and sponsorship.

2 79. To ensure that the Survey was accurately performed by field workers, each
3 respondent filled out a “certification” page with their telephone numbers. The responses
4 of 68% of respondents were verified – more than three times the level of validation
5 acceptable for the industry practice, which is between 15-20%.

6 80. The Survey utilized the “Eveready” methodology – a well established
7 format for measuring likelihood of trademark or trade dress confusion. 209 Participants
8 were first shown the VITI product and asked whether they had an opinion about the
9 company or brand that puts out VITI. If the respondent provided a response, they were
10 asked which company or brand they believed put out the product. Participants were
11 never shown the FIJI bottle as a basis for comparison. Based on these questions, 32.1%
12 of respondents were confused about the brand or company that put out the FIJI product.

13 81. The same process was performed using a “control bottle” shown to 206
14 respondents. The “control” bottle was substantially different from the FIJI bottle – it
15 was stripped of all of the alleged infringing elements. The control bottle was used so as
16 to eliminate “noise.” Noise is the extent to which respondents would answer that a
17 bottle of water that mentions the Fiji Islands and conveys water/tropics/island imagery
18 is put out or authorized by FIJI even if the bottle does not have a confusingly similar
19 name and trade dress. When shown the “control” bottle, only 7.8% of respondents
20 were confused about the brand or company that put out the FIJI product.

21 82. The source of respondents’ confusion was primarily caused by the
22 similarity of the VITI and FIJI bottles and labels. Some of the respondents’ verbatim
23 responses were “Tell by the bottle;” “The style of the bottle;” “The shape of the bottle;”
24 “The picture in the back;” “Just because it looks like a knock-off of Fiji;” “the blue cap,
25 oh, and the shape of the bottle;” Its from the mountains of Fiji and is pretty much a copy
26 of the Fiji bottle;” “Fiji Water – its too similar not to be made by Fiji;” “The whole
27 design is the same, but it says VITI instead of FIJI, which still sounds a lot alike;” “Fiji
28 – Similar bottle shape. Color scheme and similar label design.”

1 83. Based on the Survey, the total level of consumer confusion between FIJI
2 and VITI was 32.1% with a “noise level” of 7.8%. Therefore, a net 24.3% of
3 respondents believed that VITI was made by FIJI or the same company that makes FIJI
4 water, or was put out with the sponsorship or approval of FIJI.

5 84. Based on the Survey results, in Mr. Poret’s expert opinion, there is a high
6 likelihood that VITI is being confused with FIJI due to similarities between the VITI
7 and FIJI trademarks and trade dress.

8 85. FIJI is further informed and believes, and based thereon alleges, that it has
9 lost or will lose revenues from the sale of the inherently distinctive FIJI® products, and
10 has sustained and will sustain damages as a result of VITI’s wrongful conduct in selling,
11 marketing and distributing the offending VITI infringing products.

12 86. FIJI is further informed and believes, and based thereon alleges, that VITI
13 has been unjustly enriched by its sale and marketing of the infringing products.

14 **FIRST CLAIM FOR RELIEF**

15 (Trademark Infringement Pursuant to 15 U.S.C. § 1114)

16 87. FIJI incorporates by reference Paragraphs 1 through 86 above as though
17 fully set forth herein.

18 88. The VITI product is infringing because VITI has infringed on the following
19 features:

20 a. the VITI product, like FIJI®, has a predominantly square shape (and
21 square shape where the label is affixed), infringing the FIJI Trade Dress and FIJI
22 Trademark Registration Nos. 2911918, 3285644 and 286974;

23 b. the VITI product, like FIJI®, uses a nearly identical bottle design which
24 is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
25 Trademark Registration Nos. 2911918, 3285644 and 286974;

26 c. the VITI product, like FIJI®, uses a nearly identical bottle design with a
27 recessed central body portion defined by protruding shoulders and base portions, with
28 the label positioned in the recessed body portion infringing the FIJI Trade Dress and

1 FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

2 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
3 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
4 Nos. 2911918, 3285644 and 286974; the VITI product, like FIJI®, uses an outer front
5 label which prominently uses the nearly identical color pink in the lower right-hand
6 portion of the bottle (as viewed by a consumer) infringing the FIJI Trade Dress and FIJI
7 Trademark Registration Nos. 3282513, 3385371, 3285644, 2703802 and 2714973;

8 e. the VITI product, like FIJI®, uses an inner back label featuring a
9 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
10 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974;

11 f. the VITI product, like FIJI®, uses a bottle that creates a three
12 dimensional effect by use of a partially transparent label on the front panel of the bottle
13 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
14 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
15 3282513, 2911918 and 2286974;

16 g. the VITI product, like FIJI®, prominently displays a four-letter, two-
17 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
18 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
19 3282520, 3285644, 3385371, 3381795 and 3282513;

20 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
21 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
22 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
23 3381795 and 3282513;

24 i. the VITI product, like FIJI®, has a “water drop” on its front label
25 infringing the FIJI Trade Dress; and

26 j. the VITI product, like FIJI®, has a nearly identical statement on the
27 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
28 ARTESIAN MINERAL WATER” infringing the FIJI Trade Dress.

1 89. VITI's imitation, copying, and unauthorized use in commerce of FIJI's
2 federally registered trademarks is likely to cause confusion, mistake, or to deceive the
3 consuming public and trade by creating the erroneous impression that VITI's products
4 have been manufactured, approved, sponsored, endorsed, or guaranteed by, or are in
5 some way affiliated with FIJI.

6 90. The imitation, copying, and unauthorized use of the FIJI Marks causes
7 irreparable injury to FIJI, including injury to its business reputation and the goodwill
8 associated with the FIJI Marks.

9 91. By reason of the foregoing, VITI has infringed FIJI's trademarks and has
10 violated, and is continuing to violate, 15 U.S.C. Section 1114.

11 92. FIJI has no adequate remedy at law for these injuries. Moreover, unless
12 VITI is restrained by this Court from continuing this imitation, copying and
13 unauthorized use of the Marks, these injuries will continue to occur. FIJI is entitled to
14 an injunction restraining VITI, its officers, agents, distributors and employees, and all
15 persons acting in concert with them, from engaging in such further acts in violation of
16 15 U.S.C. Section 1116.

17 93. By reason of VITI's willful acts of trademark infringement, FIJI is entitled
18 to damages and that those damages be trebled pursuant to 15 U.S.C. Section 1117.

19 94. This is an exceptional case making FIJI eligible for an award of attorneys'
20 fees under 15 U.S.C. Section 1117.

21 95. FIJI is further entitled to recover from VITI the damages it has sustained
22 and will sustain, and any gains, profits and advantages unfairly obtained by VITI as a
23 result of VITI's acts of infringement alleged above. At present, the amount of such
24 damages, gains, profits and advantages cannot be fully ascertained by FIJI.

25 **SECOND CLAIM FOR RELIEF**

26 (Trademark Infringement and False Designation of Origin

27 Pursuant to 15 U.S.C. § 1125(a))

28 96. FIJI incorporates by reference Paragraphs 1 through 95 above as though

1 fully set forth herein.

2 97. The VITI product is infringing and VITI is falsely designating the origin of
3 the VITI brand because VITI uses and infringes on the following features:

4 a. the VITI product, like FIJI®, has a predominantly square shape (and
5 square shape where the label is affixed), infringing the FIJI Trade Dress and FIJI
6 Trademark Registration Nos. 2911918, 3285644 and 286974

7 b. the VITI product, like FIJI®, uses a nearly identical bottle design which
8 is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
9 Trademark Registration Nos. 2911918, 3285644 and 286974;

10 c. the VITI product, like FIJI®, uses a nearly identical bottle design with a
11 recessed central body portion defined by protruding shoulders and base portions, with
12 the label positioned in the recessed body portion infringing the FIJI Trade Dress and
13 FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

14 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
15 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
16 Nos. 2911918, 3285644 and 286974; the VITI product, like FIJI®, uses an outer front
17 label which prominently uses the nearly identical color pink in the lower right-hand
18 portion of the bottle (as viewed by a consumer) infringing the FIJI Trade Dress and FIJI
19 Trademark Registration Nos. 3282513, 3385371, 3285644, 2703802 and 2714973;

20 e. the VITI product, like FIJI®, uses an inner back label featuring a
21 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
22 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974

23 f. the VITI product, like FIJI®, uses a bottle that creates a three
24 dimensional effect by use of a partially transparent label on the front panel of the bottle
25 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
26 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
27 3282513, 2911918 and 2286974;

28 g. the VITI product, like FIJI®, prominently displays a four-letter, two-

1 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
2 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
3 3282520, 3285644, 3385371, 3381795 and 3282513;

4 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
5 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
6 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
7 3381795 and 3282513;

8 i. the VITI product, like FIJI®, has a “water drop” on its front label
9 infringing the FIJI Trade Dress; and

10 j. the VITI product, like FIJI®, has a nearly identical statement on the
11 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
12 ARTESIAN MINERAL WATER” infringing the FIJI Trade Dress.

13 98. VITI’s use of the infringing trademarks and trade dress has confused and
14 is likely to continue to cause confusion or to cause mistake, or to deceive the consuming
15 public into believing that VITI’s goods or services are authorized, sponsored or
16 approved by or are affiliate with FIJI.

17 99. These acts constitute trademark infringement of the FIJI Marks and FIJI
18 Trade Dress and false designation of origin in violation of 15 U.S.C. Section 1125(a),
19 entitling FIJI to relief.

20 100. By reason of VITI’s acts, FIJI is, and will continue to be, irreparably
21 harmed if VITI is not enjoined. FIJI’s remedy at law is not adequate to compensate it
22 for the injuries inflicted, and FIJI is therefore entitled to entry of injunctive relief
23 pursuant to 15 U.S.C. Section 1116.

24 101. The above-described acts of VITI have irreparably harmed and, if not
25 enjoined, will continue to irreparably harm the general public, which has an interest in
26 being free from confusion, mistake and deception.

27 102. VITI has unfairly profited from the actions alleged and FIJI is therefore
28 entitled to recover from VITI the damages sustained as a result of VITI’s acts in

1 violation of 15 U.S.C. Section 1125(a). FIJI is at present unable to ascertain the full
2 extent of the monetary damages suffered by reason of VITI's acts, but FIJI is informed
3 and believes, and based thereon alleges, that it has sustained such damages in an amount
4 exceeding \$1,000,000.

5 103. Further, because of the willful nature of VITI's acts, FIJI is entitled to
6 damages, and that those damages be trebled pursuant to 15 U.S.C. Section 1117.

7 104. This is an exceptional case making FIJI eligible for an award of attorneys'
8 fees pursuant to 15 U.S.C. Section 1117.

9 **THIRD CLAIM FOR RELIEF**

10 (Trade Dress Infringement and False Designation of Origin

11 Pursuant to 15 U.S.C. § 1125(a))

12 105. FIJI incorporates Paragraphs 1 through 104 above as though set forth fully
13 herein.

14 106. FIJI has used in interstate commerce an inherently distinctive product
15 design in connection with the sale and marketing of FIJI® brand bottled water. The
16 FIJI® product contains inherently distinctive, nonfunctional features which are
17 protected under Lanham Act Section 43(a), 15 U.S.C. Section 1125(a).

18 107. The VITI product is infringing and VITI is falsely designating the origin of
19 the VITI brand because VITI uses and infringes on the following features:

20 a. the VITI product, like FIJI®, has a predominantly square shape (and
21 square shape where the label is affixed), infringing the FIJI Trade Dress and FIJI
22 Trademark Registration Nos. 2911918, 3285644 and 286974

23 b. the VITI product, like FIJI®, uses a nearly identical bottle design which
24 is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
25 Trademark Registration Nos. 2911918, 3285644 and 286974;

26 c. the VITI product, like FIJI®, uses a nearly identical bottle design with a
27 recessed central body portion defined by protruding shoulders and base portions, with
28 the label positioned in the recessed body portion infringing the FIJI Trade Dress and

1 FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

2 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
3 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
4 Nos. 2911918, 3285644 and 286974; the VITI product, like FIJI®, uses an outer front
5 label which prominently uses the nearly identical color pink in the lower right-hand
6 portion of the bottle (as viewed by a consumer) infringing the FIJI Trade Dress and FIJI
7 Trademark Registration Nos. 3282513, 3385371, 3285644, 2703802 and 2714973;

8 e. the VITI product, like FIJI®, uses an inner back label featuring a
9 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
10 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974

11 f. the VITI product, like FIJI®, uses a bottle that creates a three
12 dimensional effect by use of a partially transparent label on the front panel of the bottle
13 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
14 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
15 3282513, 2911918 and 2286974;

16 g. the VITI product, like FIJI®, prominently displays a four-letter, two-
17 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
18 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
19 3282520, 3285644, 3385371, 3381795 and 3282513;

20 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
21 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
22 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
23 3381795 and 3282513;

24 i. the VITI product, like FIJI®, has a “water drop” on its front label
25 infringing the FIJI Trade Dress; and

26 j. the VITI product, like FIJI®, has a nearly identical statement on the
27 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
28 ARTESIAN MINERAL WATER” infringing the FIJI Trade Dress.

1 108. VITI's use of the infringing trade dress has confused and is likely to
2 continue to cause confusion or to cause mistake, or to deceive the consuming public into
3 believing that FIJI's goods or services are authorized, sponsored or approved by or are
4 affiliate with Plaintiffs.

5 109. These acts constitute trade dress infringement of the FIJI Trade Dress and
6 false designation of origin in violation of 15 U.S.C. Section 1125(a), entitling FIJI to
7 relief.

8 110. By reason of VITI's acts, FIJI is, and will continue to be, irreparably
9 harmed if VITI is not enjoined from its infringing acts. FIJI's remedy at law is not
10 adequate to compensate it for the injuries inflicted, and FIJI is therefore entitled to entry
11 of injunctive relieve pursuant to 15 U.S.C. Section 1116.

12 111. VITI has unfairly profited from the actions alleged, and FIJI is therefore
13 entitled to recover from VITI the damages sustained as a result of VITI's acts in
14 violation of 15 U.S.C. Section 1125(a). FIJI is at present unable to ascertain the full
15 extent of the monetary damages suffered by reason of VITI's acts, but FIJI is informed
16 and believes, and based thereon alleges, that it has sustained such damages in an amount
17 exceeding \$1,000,000.

18 112. Further, because of the willful nature of VITI's acts, FIJI is entitled to
19 damages, and that those damages be trebled pursuant to 15 U.S.C. Section 1117.

20 113. This is an exceptional case making FIJI eligible for an award of attorneys'
21 fees pursuant to 15 U.S.C. Section 1117.

22 **FOURTH CLAIM FOR RELIEF**

23 (Federal Trademark Dilution Pursuant to 15 U.S.C. § 1125(c))

24 114. FIJI incorporates Paragraphs 1 through 113 above as though set forth fully
25 herein.

26 115. The FIJI Marks are inherently distinctive and famous under 15 U.S.C.
27 Section 1125(c).

28 116. VITI's use of FIJI's inherently distinctive and famous FIJI Marks in

1 commerce began long after the FIJI Marks became famous.

2 117. The VITI product is diluting the FIJI® Marks and FIJI Trade Dress
3 because VITI uses and infringes on the following features:

4 a. the VITI product, like FIJI®, has a predominantly square shape (and
5 square shape where the label is affixed), infringing the FIJI Trade Dress and FIJI
6 Trademark Registration Nos. 2911918, 3285644 and 286974

7 b. the VITI product, like FIJI®, uses a nearly identical bottle design which
8 is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
9 Trademark Registration Nos. 2911918, 3285644 and 286974;

10 c. the VITI product, like FIJI®, uses a nearly identical bottle design with a
11 recessed central body portion defined by protruding shoulders and base portions, with
12 the label positioned in the recessed body portion infringing the FIJI Trade Dress and
13 FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

14 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
15 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
16 Nos. 2911918, 3285644 and 286974; the VITI product, like FIJI®, uses an outer front
17 label which prominently uses the nearly identical color pink in the lower right-hand
18 portion of the bottle (as viewed by a consumer) infringing the FIJI Trade Dress and FIJI
19 Trademark Registration Nos. 3282513, 3385371, 3285644, 2703802 and 2714973;

20 e. the VITI product, like FIJI®, uses an inner back label featuring a
21 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
22 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974

23 f. the VITI product, like FIJI®, uses a bottle that creates a three
24 dimensional effect by use of a partially transparent label on the front panel of the bottle
25 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
26 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
27 3282513, 2911918 and 2286974;

28 g. the VITI product, like FIJI®, prominently displays a four-letter, two-

1 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
2 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
3 3282520, 3285644, 3385371, 3381795 and 3282513;

4 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
5 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
6 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
7 3381795 and 3282513;

8 i. the VITI product, like FIJI®, has a “water drop” on its front label
9 infringing the FIJI Trade Dress; and

10 j. the VITI product, like FIJI®, has a nearly identical statement on the
11 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
12 ARTESIAN MINERAL WATER” infringing the FIJI Trade Dress.

13 118. VITI’s conduct causes and will continue to cause dilution of the distinctive
14 quality of the famous FIJI Marks.

15 119. VITI’s conduct is the result of willful and wanton disregard of FIJI’s
16 established and superior rights. VITI adopted, used and continues to use FIJI’s bottle
17 and label design, despite having been put on notice and with full knowledge of FIJI’s
18 superior rights, and without authorization. FIJI has suffered, and will continue to suffer,
19 irreparable injury as a result of VITI’s unlawful actions and has no adequate remedy at
20 law.

21 120. By reason of VITI’s acts, FIJI is, and will continue to be, irreparably
22 harmed if VITI is not enjoined. FIJI’s remedy at law is not adequate to compensate it
23 for the injuries inflicted, and FIJI is therefore entitled to entry of injunctive relieve
24 pursuant to 15 U.S.C. Section 1125(c).

25 121. VITI has unfairly profited from the actions alleged, and FIJI is therefore
26 entitled to recover from VITI the damages sustained as a result of VITI’s acts in
27 violation of 15 U.S.C. Section 1125(c). FIJI is at present unable to ascertain the full
28 extent of the monetary damages suffered by reason of VITI’s acts, but FIJI is informed

1 and believes, and based thereon alleges, that it has sustained such damages in an amount
2 exceeding \$1,000,000.

3 122. Further, because of the willful nature of VITI's acts, FIJI is entitled to
4 damages, and that those damages be trebled pursuant to 15 U.S.C. Sections 1125(c) and
5 1117.

6 123. This is an exceptional case making FIJI eligible for an award of attorneys'
7 fees pursuant to 1555 U.S.C. Sections 1125(c) and 1117.

8 **FIFTH CLAIM FOR RELIEF**

9 (Violation of California Unfair Competition Pursuant to
10 Cal. Bus. & Prof. Code Sections 17200, 17500 et seq.)

11 124. FIJI incorporates by reference Paragraphs 1 through 123 above as though
12 fully set forth herein.

13 125. FIJI is informed and believes that VITI is in direct competition with FIJI.

14 126. VITI's willful, knowing and unauthorized promotion, advertisement, sale
15 and offering for sale of infringing goods, causing confusion as to the source of the
16 goods and causing harm to FIJI's goodwill, consist of untrue and misleading statements
17 and constitute an unlawful appropriation of FIJI's exclusive rights in its FIJI Marks and
18 FIJI Trade Dress as outlined herein.

19 127. VITI has unlawfully appropriated FIJI's exclusive rights in its FIJI Marks
20 and FIJI Trade dress, infringing on FIJI's rights, because VITI uses and infringes on the
21 following features:

22 a. the VITI product, like FIJI®, has a predominantly square shape (and
23 square shape where the label is affixed), infringing the FIJI Trade Dress and FIJI
24 Trademark Registration Nos. 2911918, 3285644 and 286974

25 b. the VITI product, like FIJI®, uses a nearly identical bottle design which
26 is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
27 Trademark Registration Nos. 2911918, 3285644 and 286974;

28 c. the VITI product, like FIJI®, uses a nearly identical bottle design with a

1 recessed central body portion defined by protruding shoulders and base portions, with
2 the label positioned in the recessed body portion infringing the FIJI Trade Dress and
3 FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

4 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
5 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
6 Nos. 2911918, 3285644 and 286974; the VITI product, like FIJI®, uses an outer front
7 label which prominently uses the nearly identical color pink in the lower right-hand
8 portion of the bottle (as viewed by a consumer) infringing the FIJI Trade Dress and FIJI
9 Trademark Registration Nos. 3282513, 3385371, 3285644, 2703802 and 2714973;

10 e. the VITI product, like FIJI®, uses an inner back label featuring a
11 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
12 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974

13 f. the VITI product, like FIJI®, uses a bottle that creates a three
14 dimensional effect by use of a partially transparent label on the front panel of the bottle
15 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
16 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
17 3282513, 2911918 and 2286974;

18 g. the VITI product, like FIJI®, prominently displays a four-letter, two-
19 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
20 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
21 3282520, 3285644, 3385371, 3381795 and 3282513;

22 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
23 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
24 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
25 3381795 and 3282513;

26 i. the VITI product, like FIJI®, has a “water drop” on its front label
27 infringing the FIJI Trade Dress; and

28 j. the VITI product, like FIJI®, has a nearly identical statement on the

1 front label stating it is: "From the Mountains of Fiji Islands/VITI NATURAL
2 ARTESIAN MINERAL WATER" infringing the FIJI Trade Dress.

3 128. By selling and offering for sale, infringing goods and services, VITI is in
4 violation of FIJI's proprietary rights thereby constituting unfair competition as such acts
5 constitute and unlawful, unfair, deceptive and/or fraudulent trade practices and unfair
6 competition in violation of California Business & Professions Code Sections 17200,
7 17500 et seq. The predicate acts comprising VITI's unlawful, unfair, deceptive and/or
8 fraudulent trade practices or acts include, but are not limited to, the violations of law
9 more fully set forth herein.

10 129. As a direct and proximate result of VITI's wrongful conduct, FIJI has
11 suffered injury in fact, which losses include damage to FIJI's goodwill with its existing,
12 former and potential customers, and actual confusion between VITI's infringing
13 products and the FIJI products.

14 130. These wrongful acts have proximately caused and will continue to cause
15 FIJI substantial injury, including loss of customers, dilution of goodwill, confusion of
16 existing and potential customers, injury to reputation, and diminution of the value of
17 FIJI's products. The harm these wrongful acts will cause to FIJI is both imminent and
18 irreparable, and the amount of damage sustained by FIJI will be impossible to ascertain
19 if these acts continue. As such, FIJI has no adequate remedy at law.

20 131. Pursuant to California Business & Professions Code Section 17203, VITI is
21 required to disgorge and restore to FIJI all profits and property acquired by means of
22 VITI's unfair competition with FIJI.

23 132. Pursuant to California Business & Professions Code Section 17203, FIJI is
24 also entitled to a preliminary and permanent injunction restraining VITI, its respective
25 officers, agents, employees, distributors and all persons acting in concert with them,
26 from engaging in further such unlawful conduct.

27 **SIXTH CLAIM FOR RELIEF**

28 (Violation of California Common Law Unfair Competition)

1 133. FIJI incorporates Paragraphs 1 through 132 above as though set forth fully
2 herein.

3 134. As set forth above, VITI is a competitor of FIJI and VITI's willful,
4 knowing and unauthorized promotion, advertisement, sale and offering for sale of
5 infringing goods, causing confusion as to the source of the goods and causing harm to
6 FIJI's goodwill, consist of untrue and misleading statements and constitute an unlawful
7 appropriation of FIJI's exclusive rights in its FIJI Marks and FIJI Trade Dress and
8 constitutes unfair competition under California common law.

9 135. VITI has unlawfully appropriated FIJI's exclusive rights in its FIJI Marks
10 and FIJI Trade dress, infringing on FIJI's rights, because VITI uses and infringes on the
11 following features:

12 a. the VITI product, like FIJI®, has a predominantly square shape (and
13 square shape where the label is affixed), infringing the FIJI Trade Dress and FIJI
14 Trademark Registration Nos. 2911918, 3285644 and 286974

15 b. the VITI product, like FIJI®, uses a nearly identical bottle design
16 which is clear and transparent to the naked eye infringing the FIJI Trade Dress and FIJI
17 Trademark Registration Nos. 2911918, 3285644 and 286974;

18 c. the VITI product, like FIJI®, uses a nearly identical bottle design
19 with a recessed central body portion defined by protruding shoulders and base portions,
20 with the label positioned in the recessed body portion infringing the FIJI Trade Dress
21 and FIJI Trademark Registration Nos. 2911918, 3285644 and 286974;

22 d. the VITI product, like FIJI®, uses a bottle cap which is a nearly
23 identical shade of blue infringing the FIJI Trade Dress and FIJI Trademark Registration
24 Nos. 2911918, 3285644 and 286974; the VITI product, like FIJI®, uses an outer front
25 label which prominently uses the nearly identical color pink in the lower right-hand
26 portion of the bottle (as viewed by a consumer) infringing the FIJI Trade Dress and FIJI
27 Trademark Registration Nos. 3282513, 3385371, 3285644, 2703802 and 2714973;
28

1 e. the VITI product, like FIJI®, uses an inner back label featuring a
2 tropical motif infringing the FIJI Trade Dress and FIJI Trademark Registration Nos.
3 2714973, 3282520, 3285644, 3385371, 3381795, 3282513, and 2286974

4 f. the VITI product, like FIJI®, uses a bottle that creates a three
5 dimensional effect by use of a partially transparent label on the front panel of the bottle
6 revealing the pictures on the inner side of the back label infringing the FIJI Trade Dress
7 and FIJI Trademark Registration Nos. 2714973, 3282520, 3285644, 3385371, 3381795,
8 3282513, 2911918 and 2286974;

9 g. the VITI product, like FIJI®, prominently displays a four-letter, two-
10 syllable name “VITI,” both syllables ending in the vowel “i” infringing the FIJI Trade
11 Dress and FIJI Trademark Registration Nos. 2703620, 2164851, 2703802, 2714973,
12 3282520, 3285644, 3385371, 3381795 and 3282513;

13 h. the VITI product, like FIJI®, stylizes the “VITI” name in block,
14 capitalized white letters outlined infringing the FIJI Trade Dress and FIJI Trademark
15 Registration Nos. 2703620, 2164851, 2703802, 2714973, 3282520, 3285644, 3385371,
16 3381795 and 3282513;

17 i. the VITI product, like FIJI®, has a “water drop” on its front label
18 infringing the FIJI Trade Dress; and

19 j. the VITI product, like FIJI®, has a nearly identical statement on the
20 front label stating it is: “From the Mountains of Fiji Islands/VITI NATURAL
21 ARTESIAN MINERAL WATER” infringing the FIJI Trade Dress.

22 136. By reason of VITI’s conduct, FIJI has sustained and will continue to
23 sustain, substantial injury, loss and damage, as set forth above.

24 137. Further irreparable harm and injury to FIJI is imminent as a result of
25 VITI’s conduct, and FIJI is without an adequate remedy at law.

26 138. FIJI is therefore entitled to an injunction restraining VITI, its agents,
27 employees, representatives, distributors and all persons acting in concert with them,
28 from engaging in further acts of unfair competition.

1 139. FIJI is further entitled to recover from VITI the damages sustained by FIJI
2 as a result of VITI's acts of unfair competition. FIJI is at present unable to ascertain the
3 full extent of the monetary damages it has suffered by reason of VITI's acts of unfair
4 competition, but FIJI is informed and believes, and based thereon alleges, that they have
5 sustained such damages in an amount exceeding \$1,000,000.

6 140. Finally, FIJI is informed and believes, and based thereon alleges, that
7 VITI's conduct has been intentional and willful and in conscious disregard of FIJI's
8 rights and, therefore, FIJI is entitled to exemplary or punitive damages under California
9 Civil Code Section 3294 in an amount appropriate to punish VITI and to make an
10 example of VITI to the community at large.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

13 141. That the Court enter judgment against each Defendant that:

- 14 a. Defendants infringed the rights of Plaintiffs in their federally
15 registered trademarks in violation of 15 U.S.C. Section 1114;
16 b. Defendants infringed the rights of Plaintiffs in the FIJI trademarks in
17 violation of 15 U.S.C. Section 1125;
18 c. Defendants infringed the rights of Plaintiffs in the FIJI Trade Dress
19 in violation of 15 U.S.C. Section 1125;
20 d. Defendants diluted the trademarks of Plaintiffs in violation of 15
21 U.S.C. Section 1125;
22 e. Defendants engaged in unfair competition and deceptive acts and
23 practices in violation of California Business & Professions Code Sections 17200, 17500,
24 et seq.; and
25 f. Defendants engaged in unfair competition and deceptive acts and
26 practices in violation of California common law.

27 142. That the Court enter judgment against each Defendant that the above acts,
28 1(a)-(f), were willful and intentional making this an exceptional case.

1 143. That the Court issue a preliminary and permanent injunction enjoining and
2 restraining Defendants and their agents, servants, employees, successors, assigns and all
3 other persons acting in concert or in conspiracy with or affiliated with Defendants from:

4 a. Engaging in any infringing activity including advertising, promoting,
5 marketing, franchising, distributing, selling, and offering for sale, any goods or services
6 in connection with the infringing marks identified herein or any mark similar to
7 Plaintiffs' FIJI Marks; and

8 b. Requiring Defendants to deliver up to Plaintiffs for destruction any
9 and all packaging, advertising and promotional materials in Defendants' possession,
10 custody or control, which contain the infringing marks and/or infringing trade dress.

11 144. That Plaintiffs be awarded damages for Defendants' trademark and trade
12 dress infringement, for Defendants' trademark dilution, and for unfair competition
13 under the Lanham Act, as well as for unfair competition under California common law.

14 145. That Plaintiffs be awarded all profits resulting from Defendants'
15 infringement or dilution of Plaintiffs' rights and by means of Defendants' unfair
16 competition with Plaintiffs.

17 146. That Defendants be ordered to account for and disgorge to Plaintiffs all
18 amounts by which Defendants have been unjustly enriched by reason of the unlawful
19 acts complained of.

20 147. That Plaintiffs be awarded damages resulting from Defendants'
21 infringement in accordance with the provisions of 15 U.S.C. Section 1117.

22 148. That damages resulting from Defendants' infringement and unfair
23 competition under the Lanham Act be trebled due to Defendants' willfulness, in
24 accordance with the provisions of 15 U.S.C. Section 1117.

25 149. That Plaintiffs be awarded exemplary or punitive damages in an amount
26 appropriate to punish Defendants and to make an example of the Defendants to the
27 community.

28 150. That Plaintiffs be awarded an amount sufficient to reimburse Plaintiffs for

1 the costs of corrective advertising.

2 151. For pre-judgment interest on all infringement and other appropriate
3 damages.

4 152. That the Court find this case to be exceptional and award Plaintiffs their
5 reasonable attorneys' fees pursuant to 15 U.S.C. Section 1117, California law, and any
6 other applicable provision of law.

7 153. That the Court award Plaintiffs their costs of suit incurred herein.

8 154. For such other or further relief as the Court may deem just and proper.
9

10 Dated: April 27, 2010

ROLL LAW GROUP P.C.

11
12 By: Danielle M. Criona
13 CHRISTOPHER VAN GUNDY
14 JOIE MARIE GALLO
15 DANIELLE M. CRIONA

16 Attorneys for Plaintiffs
17 Fiji Water Company LLC and Paramount
18 International Export Ltd.
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28

1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs hereby demand a jury trial in connection with this action.

3
4
5 Dated: April 27, 2010

ROLL LAW GROUP P.C.

6
7 By: Danielle M. Criona
8 CHRISTOPHER VAN GUNDY
9 JOIE MARIE GALLO
10 DANIELLE M. CRIONA

11 Attorneys for Plaintiffs
12 Fiji Water Company LLC and Paramount
13 International Export Ltd.
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Exhibit A

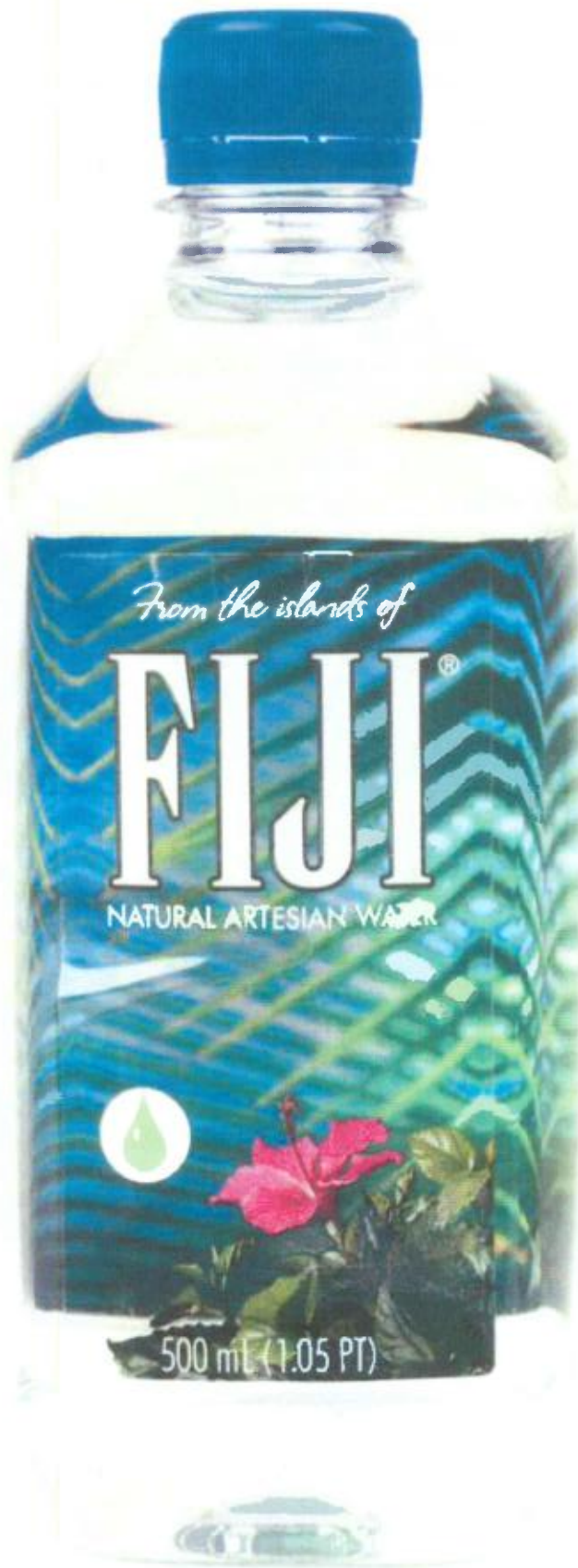


Exhibit B

Int. CL: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,703,620

United States Patent and Trademark Office

Registered Apr. 8, 2003

**TRADEMARK
PRINCIPAL REGISTER**

FIJI

NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
P.O. BOX 4
ASPEN, CO 81612

OWNER OF U.S. REG. NO. 2,164,851.

SEC. 2(F).

FOR: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SER. NO. 76-162,278, FILED 11-10-2000.

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Exhibit C

Int. Cl.: 32

Prior U.S. Cls.: 45, 46, and 48

Reg. No. 2,164,851

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
SUPPLEMENTAL REGISTER**

FIJI

NATURAL WATERS OF VITI, LTD. (FIJI COR-
PORATION)
GROUND FLOOR, CIVIC HOUSE, GPO
BOX 14128
SUVA, FIJI ISLANDS, FIJI

FOR: NATURAL, SPRING, AND ARTESIAN
WATER FOR DRINKING, IN CLASS 32 (U.S.
CLS. 45, 46 AND 48).

FIRST USE 2-15-1997; IN COMMERCE
6-1-1997.

SER. NO. 75-189,302, FILED P.R. 10-29-1996;
AM. S.R. 3-30-1998.

MITCHELL FRONT, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 32

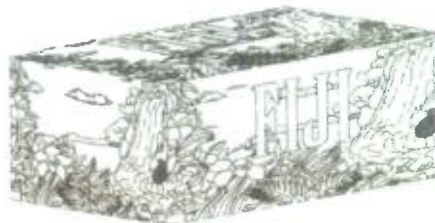
Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,703,802

United States Patent and Trademark Office

Registered Apr. 8, 2003

**TRADEMARK
PRINCIPAL REGISTER**



NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
P.O. BOX 4
ASPEN, CO 81612

FOR: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-17-1997; IN COMMERCE 5-17-1997.

OWNER OF U.S. REG. NOS. 2,164,851 AND 2,286,974.

THE MARK CONSISTS OF THE TERM "FIJI" AND DESIGNS OF TROPICAL FLOWERS, FOLIAGE AND WATERFALLS PLACED ON THE PACKAGING FOR THE GOODS. THE ACTUAL SHAPE OF THE CONTAINER IS NOT CLAIMED AS PART OF THE MARK AND APPEARS IN DOTTED LINES.

SEC. 2(F).

SER. NO. 76-273,662, FILED 6-19-2001.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Exhibit E

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,714,973

United States Patent and Trademark Office

Registered May 13, 2003

**TRADEMARK
PRINCIPAL REGISTER**



NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
P.O. BOX 4
ASPEN, CO 81612

OWNER OF U.S. REG. NOS. 2,164,851 AND 2,286,974.

SEC. 2(F) AS TO "FIJI".

FOR: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SER. NO. 76-162,280, FILED 11-10-2000.

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

DAWN FELDMAN, EXAMINING ATTORNEY

Exhibit F

Int. CL: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,282,520

United States Patent and Trademark Office

Registered Aug. 21, 2007

TRADEMARK
PRINCIPAL REGISTER

FIJI

PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

OWNER OF U.S. REG. NOS. 2,703,620, 2,714,973
AND OTHERS.

SEC. 2(F).

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SER. NO. 78-718,517, FILED 9-22-2005.

FIRST USE 5-17-1997; IN COMMERCE 5-17-1997.

ROSELLE HERRERA. EXAMINING ATTORNEY

Exhibit G

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,285,644

United States Patent and Trademark Office

Registered Aug. 28, 2007

TRADEMARK
PRINCIPAL REGISTER



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER FOR DRINKING, IN CLASS 32 (U.S.
CLS. 45, 46 AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620, 2,937,191
AND OTHERS.

THE STIPPLING IS FOR SHADING PURPOSES
ONLY.

THE MARK CONSISTS OF A LABEL PLACED ON
THE FRONT OF A BOTTLE AND A LABEL PLACED

ON THE BACK OF A BOTTLE. THE DESIGN ON
THE FRONT LABEL CONSISTS OF THE STYLIZED
WORD FUJI AND A STYLIZED RENDERING OF A
HIBISCUS FLOWER SURROUNDED BY FOLIAGE.
THE DESIGN ON THE BACK LABEL CONSISTS OF
PALM TREE FRONDS, WHICH FACES THE INTER-
IOR OF THE BOTTLE. WHEN THE TWO DESIGNS
ARE VIEWED TOGETHER FROM THE FRONT,
THEY FORM A COMPLETE SCENE. THE BOTTLE
CAP AND BOTTLE CONFIGURATION ARE
SHOWN IN DOTTED LINES AND ARE NOT
CLAIMED AS A PART OF THE MARK.

SEC. 2(F) AS TO "FUJI".

SER. NO. 78-712,270, FILED 9-13-2005.

ANDREA BUTLER, EXAMINING ATTORNEY

Exhibit H

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,385,371

United States Patent and Trademark Office

Registered Feb. 19, 2008

TRADEMARK
PRINCIPAL REGISTER



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER, BOTTLED NATURAL
ARTESIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620 AND
2,714,973.

THE STIPPLING IS FOR SHADING PURPOSES
ONLY.

THE MARK CONSISTS OF THE WORD FIJI
CENTERED IN THE TOP THIRD OF THE MARK.

A STYLIZED DESIGN OF A HIBISCUS FLOWER
SURROUNDED BY FOLIAGE APPEARS AT THE
BOTTOM RIGHT HAND PART OF THE MARK,
AND PALM TREE FRONDS EMANATE FROM THE
TOP RIGHT HAND AND THE BOTTOM RIGHT
HAND CORNER OF THE MARK. THE WORD FIJI
AND THE HIBISCUS FLOWER SURROUNDED BY
FOLIAGE ARE ON THE FRONT LABEL OF THE
BOTTLE UPON WHICH THE MARK APPEARS,
AND THE PALM TREE FRONDS ARE ON THE
BACK LABEL OF THE BOTTLE WHICH IS TRANS-
PARENT, CAUSING THE TWO LABELS TO BE
VIEWED TOGETHER AS ONE MARK.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-712,329. FILED 9-13-2005.

COLLEEN KEARNEY, EXAMINING ATTORNEY

Exhibit I

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,381,795

United States Patent and Trademark Office

Registered Feb. 12, 2008

TRADEMARK
PRINCIPAL REGISTER



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; BOTTLED NATURAL
ARTESIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46
AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620 AND
2,714,973.

THE MARK CONSISTS OF A STYLIZED REN-
DERING OF PALM TREE FRONDS AND THE
WORD PORTION OF THE MARK, FIJI.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-762,941, FILED 11-29-2005.

COLLEEN KEARNEY, EXAMINING ATTORNEY

Exhibit J

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,282,513

United States Patent and Trademark Office

Registered Aug. 21, 2007

TRADEMARK
PRINCIPAL REGISTER

FIJI



PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

OWNER OF U.S. REG. NOS. 2,703,620, 2,714,973
AND OTHERS.

THE STIPPLING IS FOR SHADING PURPOSES
ONLY.

THE MARK CONSISTS OF A STYLIZED REN-
DERING OF A HIBISCUS FLOWER SURROUNDED
BY FOILAGE, ABOVE WHICH APPEARS THE
WORD PORTION OF THE MARK. FIJI.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-712,299, FILED 9-13-2005.

CHERYL CLAYTON, EXAMINING ATTORNEY

Exhibit K

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,911,918

United States Patent and Trademark Office

Registered Dec. 21, 2004

TRADEMARK
PRINCIPAL REGISTER



NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)

P.O. BOX 4

ASPEN, CO 81612

FOR: NATURAL, SPRING AND ARTESIAN WATER FOR DRINKING, IN CLASS 32 (U.S. CLS. 45, 46 AND 48)

FIRST USE 5-16-1997; IN COMMERCE 5-17-1997.

OWNER OF U.S. REG. NO. 2,286,974.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE REPRESENTATION OF THE

SHAPE OF THE BOTTLE CAP, APART FROM THE MARK AS SHOWN.

THE CAP IS LINED FOR THE COLOR BLUE.

THE MARK CONSISTS OF A CONFIGURATION OF A BOTTLE AND CAP. THE BOTTLE AND CAP ARE DEPICTED IN SOLID LINES AND ARE PART OF THE MARK.

SEC. 2(F).

SER. NO. 76-162,286, FILED 11-10-2000.

ELIZABETH HUGHITT, EXAMINING ATTORNEY

Exhibit L

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,286,974

United States Patent and Trademark Office

Registered Oct. 19, 1999

**TRADEMARK
PRINCIPAL REGISTER**



NATURAL WATERS OF VITI, LTD. (FIJI CORPORATION)
GROUND FLOOR, CIVIC HOUSE, GPO
BOX 14128
SUVA, FIJI ISLANDS, FIJI

FOR: NATURAL SPRING AND ARTESIAN
WATER FOR DRINKING, IN CLASS 32 (U.S.
CLS. 45, 46 AND 48).

FIRST USE 5-16-1997; IN COMMERCE
5-17-1997.

THE MARK CONSISTS OF DESIGNS SHOWN
ON LABELS ON THE FRONT AND BACK OF
THE BOTTLE. THE DESIGN ON THE FRONT
LABEL CONSISTS OF TROPICAL FLOWERS

AND FOLIAGE. THE DESIGN ON THE BACK
LABEL CONSISTS OF A WATERFALL WHICH
FACES THE INTERIOR OF THE BOTTLE.
WHEN THE DESIGNS ARE VIEWED TOGETHER
FROM THE FRONT, THEY FORM A COM-
PLETE SCENE. THE BOTTLE, CAP AND
LABELS ARE DEPICTED IN DOTTED LINES
TO SHOW PLACEMENT ONLY AND ARE NOT
PART OF THE MARK.

SER. NO. 75-313,250, FILED 6-23-1997.

ELIZABETH PASQUINE, EXAMINING ATTOR-
NEY

Exhibit M



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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [76162278](#)

Filing Dt: [11/10/2003](#)

Reg #: [2703620](#)

Reg. Dt: 04/08/2003

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP. EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945, ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [2035/0245](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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Web interface last modified: October 18, 2006 v. 2.0.2

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [75189302](#)

Filing Dt: 10/29/1996

Reg #: [2104651](#)

Reg. Dt: 05/09/1998

Registrant: Natural Waters of Vitl, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: [3245/089Z](#)

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: [NATURAL WATERS OF VITL, LTD.](#)

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR

LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR

11444 W. OLYMPIC BLVD., 10TH FLOOR

LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: [3036/0945](#)

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [NATURAL WATER OF VITL LIMITED](#)

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: [FIJI WATER COMPANY LLC](#)

11444 W. OLYMPIC BLVD., 10TH FLOOR

LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FLOOR

LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: [3302/0259](#)

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY

LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)

11444 W. OLYMPIC BLVD., 10TH FL.

LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FL.

LOS ANGELES, CA 90064

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Web interface last modified: October 18, 2008 v.2.6.1

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: 76273662

Filing Dt: 05/19/2001

Reg #: 2703802

Reg. Dt: 04/08/2003

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: 3245/0892

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945, ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: NATURAL WATERS OF VITI, LTD.

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: FIJI WATER COMPANY LLC

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: 3036/0945

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NATURAL WATER OF VITI LIMITED

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

Assignee: FIJI WATER COMPANY LLC

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: 3302/0259

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: FIJI WATER COMPANY LLC

Exec Dt: 04/26/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: PARAMOUNT INTERNATIONAL EXPORT, LTD.

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: 76162280

Filing Dt: 11/10/2000

Reg #: 2714873

Reg. Dt: 05/17/2003

Registrant: Natural Waters of Viti, Ltd.

Mark: FIJI

Assignment: 1

Reel/Frame: 3245/0897

Received: 02/11/2006

Recorded: 02/11/2006

Pages: 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR; ASSIGNEE'S CITIZENSHIP. EXECUTION DATE PREVIOUSLY RECORDED ON REEL 003036 FRAME 0945. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Assignor: NATURAL WATERS OF VITI, LTD.

Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: FIJI WATER COMPANY LLC

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL, TRADEMARK ADMINISTRATOR

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 2

Reel/Frame: 3036/0945

Received: 03/01/2005

Recorded: 03/01/2005

Pages: 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: NATURAL WATERS OF VITI LIMITED

Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: FIJI WATER COMPANY LLC

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: 3392/0259

Received: 05/03/2006

Recorded: 05/03/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: FIJI WATER COMPANY LLC

Exec Dt: 04/26/2005

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: A CAYMAN ISLANDS COMPANY
LIMITED SHARES

Citizenship: CAYMAN ISLANDS

Assignee: PARAMOUNT INTERNATIONAL EXPORT, LTD.

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CALIFORNIA 90064

Correspondent: LATUNDA POWELL

11444 W. OLYMPIC BLVD., 10TH FL.
LOS ANGELES, CA 90064

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78718517](#)

Filing Dt: 09/22/2005

Reg #: [3282520](#)

Reg. Dt: 08/21/2007

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: FIJI WATER COMPANY LLC

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#),
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: CHRISTINE L. LOFGREN, ESQ.
1900 AVENUE OF THE STARS, 7TH FLOOR
JEFFER, MANGELS, BUTLER & MARMARO LLP
LOS ANGELES, CA 90067

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 78712270

Filing Dt: 09/13/2005

Reg #: 3285644

Reg. Dt: 08/28/2007

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: 3413/0564

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: FIJI WATER COMPANY LLC

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: PARAMOUNT INTERNATIONAL EXPORT, LTD.
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: CHRISTINE L. LOFGREN, ESQ.
1900 AVENUE OF THE STARS, 7TH FLOOR
JEFFER, MANGELS, BUTLER & MARMARO LLP
LOS ANGELES, CA 90067

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78712329](#)

Filing Dt: 09/13/2005

Reg #: [3385371](#)

Reg. Dt: 02/19/2006

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FIJI WATER COMPANY LLC](#)

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Correspondent: CHRISTINE L. LOFGREN, ESQ.
1900 AVENUE OF THE STARS, 7TH FLOOR
JEFFER, MANGELS, BUTLER & MARMARO LLP
LOS ANGELES, CA 90067

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78762941](#)

Filing Dt: 11/29/2005

Reg #: [3381795](#)

Reg. Dt: 02/12/2008

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: FULWATER COMPANY LLC

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: CHRISTINE L. LOFGREN, ESQ.,
1900 AVENUE OF THE STARS, 7TH FLOOR
JEFFER, MANGELS, BUTLER & MARMARO LLP
LOS ANGELES, CA 90067

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78712299](#)

Filing Dt: 09/13/2005

Reg #: [3282513](#)

Reg. Dt: 08/21/2007

Registrant: PARAMOUNT INTERNATIONAL EXPORT, LTD.

Mark: FIJI

Assignment: 1

Reel/Frame: [3413/0564](#)

Received: 10/20/2006

Recorded: 10/20/2006

Pages: [5](#)

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: FIJI WATER COMPANY LLC

Exec Dt: 10/19/2006

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: COMPANY LIMITED BY
SHARES

Citizenship: CAYMAN ISLANDS

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CALIFORNIA 90064

Correspondent: [CHRISTINE L. LOFGREN, ESQ.](#)
1900 AVENUE OF THE STARS, 7TH FLOOR
JEFFER, MANGELS, BUTLER & MARMARO LLP
LOS ANGELES, CA 90067

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Web interface last modified: October 18, 2008 v.2.0.2

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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [76162286](#)

Filing Dt: [11/10/2000](#)

Reg #: [2911218](#)

Reg. Dt: [12/21/2004](#)

Registrant: Natural Waters of Viti, Ltd.

Mark:

Assignment: 1

Reel/Frame: [3245/0897](#)

Received: [02/11/2006](#)

Recorded: [02/11/2006](#)

Pages: 5

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Assignor: [NATURAL WATERS OF VITI, LTD.](#)

Exec Dt: [02/07/2005](#)

Entity Type: [CORPORATION](#)

Citizenship: [FIJI](#)

Entity Type: [LIMITED LIABILITY COMPANY](#)

Citizenship: [DELAWARE](#)

Assignee: [FJI WATER COMPANY LLC](#)

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Correspondent: [LATUNDA POWELL, TRADEMARK ADMINISTRATOR](#)

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Assignment: 2

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Assignor: [NATURAL WATER OF VITI LIMITED](#)

Exec Dt: [03/01/2005](#)

Entity Type: [CORPORATION](#)

Citizenship: [FIJI](#)

Entity Type: [LIMITED LIMITED COMPANY](#)

Citizenship: [DELAWARE](#)

Assignee: [FJI WATER COMPANY LLC](#)

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Conveyance: [ASSIGNS THE ENTIRE INTEREST](#)

Assignor: [FJI WATER COMPANY LLC](#)

Exec Dt: [04/26/2006](#)

Entity Type: [LIMITED LIABILITY COMPANY](#)

Citizenship: [DELAWARE](#)

Entity Type: [A CAYMAN ISLANDS COMPANY](#)

LIMITED SHARES

Citizenship: [CAYMAN ISLANDS](#)

Assignee: [PARAMOUNT INTERNATIONAL EXPORT, LTD.](#)

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Total Assignments: 3

Serial #: [75313250](#)

Filing Dt: 06/23/1997

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Exec Dt: 02/07/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIABILITY COMPANY

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Exec Dt: 03/01/2005

Entity Type: CORPORATION

Citizenship: FIJI

Entity Type: LIMITED LIMITED COMPANY

Citizenship: DELAWARE

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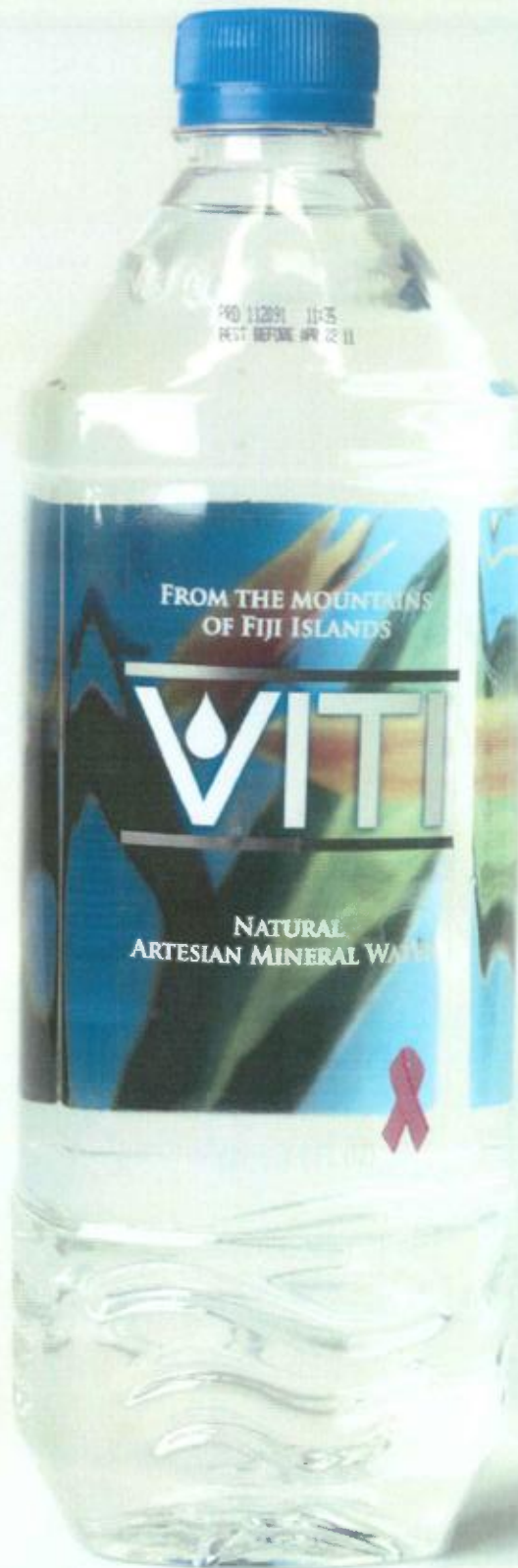


Exhibit N

We are helping our Community - The FIJI Water Foundation

ABOUT THE FIJI WATER FOUNDATION

Launched in August 2007, the FIJI Water Foundation is a charitable trust funded by our owners, employees, and partners from around the world. Its aim is to fund development projects in the key priority areas of health, education, and provision of water and infrastructure projects in Fiji.



ANNOUNCEMENT

We are pleased to announce this quarter's (April - June 2008) successful grantees:

GRANTEE	LOCATION	PROJECT
Project HEAVEN	Kadavu	Eye and ear screening for children
Children's Heart Foundation	Fiji-Wide	Heart surgeries for needy children
Friends of Fiji Heart Foundation	Fiji-Wide	Heart surgeries for adults and children
Nakauvadra High School	Rakiraki	Fencing of school compound
Gold Foundation	Tavua, Vatukoula	Income-Generation Adult Education
Fiji Red Cross Society	Rakiraki, Tavua, Lautoka	Community Safety Education
Navesau High School	Navesau, Ra	Water Project
The Good Neighbour International	Vunisoco, Namosi	Water Tanks
Matainoco Village	Matainoco, Tailevu	Community Multi-purpose Hall

INVITATION

The FIJI Water Foundation is now inviting applications for projects benefiting Fiji-based communities. Applications will be reviewed at the end of September 2008.

We welcome applications for projects focussed on improving access to and quality of:

- i) Education
- ii) Health Care
- iii) Quality of life such as Water Projects

APPLICATION

Email, fax, or mail completed forms by August 29th, 2008 for consideration for the period of July - September 2008.

email: foundation@fijiwater.com

fax: 330-4774, ATTN: Fiji Water Foundation

call: 976-2537

write: Fiji Water Foundation, PO Box 18799, Suva

Please note:

- Application does not guarantee funding
- FIJI Water reserves the right to contact successful applicants only
- Project funding for projects approved for the period July - September will not be available until end October, 2008

Who are we?

We are

www.fijiwater.com



The Soul of the Water:

News from our Vanua



7 March 2008 • Vol. 1 • A Quarterly e-Newsletter for our Fiji Water Family

Bula and Namaste from Fiji!

This e-newsletter was conceived in an effort to keep all of you informed about our company's outreach efforts on the Fiji home front. We want to let you know some of the ways you can help us... and many of the ways in which you already do.



Vanua • Community News.....

Having survived Cyclone Gene, life is returning to normal in Yaqara, with cyclone season passing into the lovely, temperate weather that makes us forget about cyclones until next year. In our local communities, however, we are working hard to make sure that we are prepared well in advance of dry season this year. Fiji Water hired the same company that drills our own bores to stay on an extra month and drill deep, productive boreholes in the villages of Drauniivi, Togovere, and Rabulu throughout January and into February. With those resources in place, we are now working with village water committees composed of both villagers and employees to develop working plans for water delivery systems in the three villages. These systems will be managed and maintained by the committees, empowering them through ownership and responsibility.

Fiji, at large, is experiencing an unfortunate crime wave as a result of political instability and building tensions. With this in mind, we have been making more of an effort to support our local police, their community policing efforts, and crime-prevention programs. When we hosted the Tavua Police at a luncheon at the Tavua Hotel last weekend, Vijay, the station manager, told us this was the first time in 31 years of policing that he had been recognized and thanked for his work. Tavua currently has the lowest crime rate in the country, and is one of few urban areas where incidences of crime have decreased since 2007. We will be participating next week in celebrating National Crime Free Day in Tavua with a float in the parade and taking part in judging the school oratory contest following the day's crime-free theme.



Meanwhile, in the midst of the company's local media firestorm, a heartening message came down to us last week from the highlands of Viti Levu, raising all of our spirits and reminding us of the good here in Fiji. A singing group of six rural farm boys, by the name of **Delai Vatuvula Jr.** has composed a catchy Fijian-style ballad about Fiji Water, its history, and intrinsic place in the vanua. The group's name refers to the well-known mountain top in their village and is the second group to hold this name, hence the junior. The current musicians are the sons of the original **Delai Vatuvula** which was a popular string band in the 1950s. They performed the song and many other of their originals to a rapt audience at an evening gathering at the Villas. We look forward to helping them produce their next CD and hope to use this song and their band in some of our public appearances in Fiji.

Tikobulabula • Health News.....

Last weekend a dedicated group of employees, family, and friends gave up their Sunday afternoon to give the *Rakiraki Hospital* a cleaning such as it has never before seen. The hospital has only one cleaner on staff, and she can hardly keep up with the toilet cleaning, let alone running a mop over all the floors in the place once a day. Therefore, water blasters and steam cleaners were hi-jacked from their normal factory duties and put to use on crevices and grouting in restrooms and along baseboards. The entire outpatient waiting room was emptied, and benches were given a good washdown.

The frenzy of activity attracted a group of onlookers including a number of children who spend their weekends hanging out at the hospital waiting for action. In true Tom Sawyeresque fashion, it didn't take long before we recruited heaps more hands to use scrub brushes, rags, brooms, and spritz windex. When the day was through we had thoroughly scrubbed and bleached 5 bathrooms and cleared out and cleaned all the walls, floors, windows, and seats of the main pharmacy and outpatient area. Everyone marveled in the transformation and vowed to make this a regular occurrence.

Although, as wife to chief engineer Lance Allen, she has long been a part of our Fiji Water family, we are proud to officially welcome *Vicky Allen* to the payroll as Health Coordinator. Vicky is a registered midwife and nurse with many years of experience at the Tavua Hospital. She has already begun the massive task of collecting medical data of all our employees, retesting and updating the data, and liaising with the hospital to expedite treatment for our employees. She also plays the key rolls of health educator and on-site nurse. We look forward to all the health benefits her presence will help to bring to our growing workforce, many of whom would otherwise only go to a hospital if they'd lost a limb.

Drokadroka • Green News.....

As many of you may know, we're stepping up our on-site recycling at the plant. As of last November, all employees- Jim Siplon included- are allocated 1 case of reject water ration. For every case of empty bottles they return, however, they will get another full case of water, with a maximum of 2 cases available per week. Through this incentive program we have managed to retrieve more than 15,500 bottles over the last 4 months. We still have a ways to go before we reach our goal of 50% return rate.



One way we've been augmenting this figure is through recycling drives. At the end of last year, in return for new balls and sponsorship for their awards ceremony, 8 women's netball clubs collected bottles in their villages and brought back more than 2,000 bottles. Following in this vein, next week at Vatukaloko Junior Secondary School we will kick off a week long drive for all variety of recyclables. A successful drive will allow the students to fundraise athletic uniforms for their track team and will also be an educational opportunity for us to start our students recycling in school .

Koronivuli • School News.....

A big *vinaka vakalevu* to all of you who made donations of books, crayons, school supplies, toys, and candies during your stay here in Fiji! We have sorted and given all of these gifts out to our 4 kindergartens in Naseyani, Togovere, Drauniivi, and Rabulu Indian School to the great appreciation of communities, teachers, and students. The playdoh, crayons, cars, and coloring books have been particularly big hits!

At Vatukaloko Junior Secondary School- the school in Drauniivi that Fiji Water funded in partnership with the Ministry of Education and the Vatukaloko community- they have successfully started their second year of classes, now offering two forms (US equivalent of 9th grade and 10th grade) with 40 students enrolled. Since last week we've been working non-stop with local stakeholders to get a pipeline in place that will provide the school with water for their new toilet facility.

In Togovere, where our company spokesman, Sai is kindergarten manager and his wife is the teacher, we recently assisted in replacing the school's cracked water tank and then visited the community hall for our water committee meeting. The kindergarteners assisted by serving grog, dancing, and looking adorable, as usual.

**Solisoli • How you can help.....**

This week we received the great news that after 3 years with its doors closed for lack of a qualified teacher, the kindergarten in Rabulu Village will reopen in two weeks. Their new teacher, Mrs. Salome Varomusu, will finish her Lautoka Teacher's College early-childhood education course this Friday. She is already hard at work trying to ready the school to receive 20 students and is hoping that some of you in the US might be able to help her in this effort.

The school would greatly appreciate donations, new or kindly used, of the following items:



- Duplos (large interlocking building blocks)
- Puzzles (jumbo and medium size)
- Colorful beads & shoelaces for threading
- Toy cars, buses, & airplanes
- Plastecine/ Playdoh
- Crayons & Chalk
- Tempera powder paint with large brushes
- Wooden blocks with printed letters and numbers
- Story books
- Wall charts depicting animals, alphabets, and numbers

If you have any of these items and would like to make a donation from the US, please forward them to the LA office care of Angela Sarno. It would be greatly appreciated if you could email her asarno@fijiwater.com and cc me mpowers@fijiwater.com to expect your packages.

If you are sending items from overseas, please post them to our Yaqara office, P.O. Box 955 Tavua, Fiji Islands to my attention.

Our Fiji communities thank you so much for generosity. These small things add up to make a big difference in the lives of parents, teachers, and children in our vanua.

Vinaka vakalevu and Bahut Dhaanbaad!



I hope you enjoyed reading about some of the goings on here in Fiji. If you have questions or comments about anything in the newsletter, or suggestions as to improvements for the next volume, please don't hesitate to contact me.

Molly Powers | Culture & Community Affairs Coordinator | Yaqara, Fiji



The Soul of the Water

News from our Vanua

FIJI
WATER

Volume 1, Issue 2

A Quarterly Newsletter for Our Fiji Water Family

June 2008

Ni Bula and Namaste!

Welcome to our second issue. For those unfamiliar with the Fiji greetings above, "Bula" is not only the Fijian word for hello and welcome, but also for health and life. And it's what you say when someone sneezes. The "Ni" in front refers to all of you. "Namaste" on the other hand, is one of many Hindu greetings, a formal way of saying peace be with you, may your name be blessed.

An ending and a beginning...

Here at operations in Fiji we have been celebrating numerous transitions within the company, most notably the departure of managing director Jim Siplon and his family for greener (and colder) pastures in New Zealand, while Paul Davies steps up from director of production

and engineering to bosso levu (big boss). Jim leaves big, steel-toed boots to fill, but we all know there is no better man for the job than Paul and are proud to boast that this will be the first time in the history of FIJI Water that the managing director has been promoted from within the factory walls. Congratulations Paul and best of luck Jim! ■



Early days at the Yaqara plant

LIVEGREEN: A Very Fiji Family Day

Celebrating our Fiji Water Family!

In keeping with our passion for a knee-slappin' good time, FIJI Water proudly hosted the second annual Family Fun Day on Monday, June 16th. More than 1300 members of our Fiji Water Family gathered across the road from the factory for a day of sports, games, food, live performance, crafts, and employee recognition.



Nothing says fun like an egg on a spoon relay...

Like last year's event, employees and their families enjoyed a BBQ picnic lunch and organized games for the whole family. Employees were divided into 4 color teams and competed in netball and volleyball games. Team relays captured the attention of all ages, with sack races, egg and spoon races, apple bobbing, water balloon toss, and tug-of-war.

This year, however, in keeping with our passion for the environment, the organizing committee decided on a theme for the event- LIVEGREEN: Recycling, Reducing, Reusing, and Renewing our commitment to a cleaner vanua. Messages encouraging employees to collect and separate their recyclables were prevalent throughout the day. Children and adults alike received silicone bracelets bearing the LIVE GREEN logo. Meanwhile, a contest for craft or household items made from recycled materials from the factory proved to be an incentive for some employees. First place winner, Sulita

continued on page 4

INSIDE THIS ISSUE

- 2 Back to School ; A House Fit for a Tui
- 3 Foundation News
- 4 The Maestro Visits Yaqara; Get Involved

Back to School

Bringing new life to local kindergartens

As reported in our last issue, Rabulu Village Kindergarten reopened a few months ago after a three-year hiatus for lack of a teacher. When Rabulu native Miss Salome came back from her Lautoka Teachers College preschool course, the kindergarten was back in business, but was in much need of a makeover. Enter our dedicated group of employee volunteers!

One sunny Saturday in April, a dozen employees and family members descended upon the mildewed school. With the help of Rabulu mother's club, the kindergarten management, and a lot of elbow grease, the classroom was transformed in a matter of hours.

Not content with a just paint job, a few artistically gifted volunteers, including Susan Siplon and daughters Emma and Grace, returned to the school a week later to add a splash of color to the beige walls.

Rabulu isn't the only kindergarten to receive TLC from Fiji Water employees. The Indian school nearest to our factory (where volunteers constructed a playground at GSM in January) was also begging a paint job for its busy kindergarten. This became the project of another weekend work group. Teachers and school committee members joined our Fiji Water contingent and the schools' walls and ceilings got good scrubbing and fresh coats of paint.



The new Rabulu mural.

We hope to continue these painting efforts at all of our kindergartens this year, as well as providing for some newer play structures. If you have items you would like to donate to our kindergartens, see the last page of this newsletter. ■



A House Fit for a Tui

We celebrate the official opening of the home of our regional paramount chief

On May 8th, FIJI Water and the residents of our six local villages gathered in Drauniivi village for the ribbon-cutting ceremony at the new home of our regional community leader, the Tui Vatu.

Despite inclement weather, community members and employees alike turned up in droves. Some carried umbrellas, but the village masters of ceremony stood stoically in the rain, offering traditional Fijian words and gifts of blessing. Among these were several *tabua* (whale's teeth), a roasted pig, and massive *yaqona* (kava) root. Managing Director Jim Siplon invoked the rain as a blessing, noting that water is the unifying element our company's special relationship with the vanua.

While the current Tui Vatu, Ratu Marika Rasuwaki, and his family will reside inside, this building belongs to all the people of the vanua and will serve as a meeting place and community resource for years to come. It is the largest home in Drauniivi and was built and funded by the Natural Waters of Viti Ltd (NWVL) Trust. FIJI Water first established the revenue-funded trust in 2000 to invest in needed community infrastructure projects, such as water and school projects. A house for the Tui Vatu was identified as an early priority, but it took a few false starts before FIJI Water was able to step in and project manage the building to its successful completion early this year.

This is another example of our company's commitment to the development of our vanua. We take immense pride in recognizing the effort of all involved and celebrating the unity of Vatulakoko. ■

FIJI Water Foundation News: *Our contributions and projects throughout Fiji*

The FIJI Water Foundation, established in late 2007, is fast becoming one of the leading providers of humanitarian aid in Fiji for public health, education, and water projects. The Fiji Times recently applauded us for encouraging other Fiji-based businesses to follow our lead and set up vehicles for public outreach. We at the FIJI Water Foundation Headquarters in Suva (all two of us) are very excited to share news of the programs that are being made possible by all of your contributions to the Foundation.

At the end of last quarter, the FIJI Water Foundation board funded the first round of projects in Fiji and at the end of June another nine projects were approved. Below are featured a number of completed and in-progress projects:

"It is one of the most beautiful compensations of life that no person can sincerely try to help another without helping themselves." – R W Emerson



Malomalo is picturesque, but remote. Water for washing is drawn from this brackish well.

MALOMALO PRIMARY SCHOOL

NADROGA

SCHOOL WATER TANKS

Malomalo serves 136 multi-racial students as well as the teachers and their families who live in the school compound. Until recently, they have encouraged children to bring their own water to school, as the rainwater tanks at were rusted and the school well draws brackish water. Thanks to FIJI Water Foundation funding, they have purchased 1750L water tanks and fittings. Their headmistress reports that now "children have a safe, clean source of drinking water."

RED CROSS COMMUNITY SAFETY

RAKIRAKI, TAVUA, LAUTOKA FIRE, WATER, AND FIRST AID SAFETY TRAINING

The Red Cross 'Safer Communities' pilot project aims to deliver water, fire, and first aid safety programs to rural schools and communities. These programs promote safer lifestyles and assist in the reduction of accident related injuries and deaths among targeted communities through capacity building, community education, and school programs. FIJI Water Foundation's support will bring this training to communities throughout Fiji in rural Rakiraki, Tavua, and Lautoka.

PROJECT HEAVEN

KADAVU ISLAND CHILDREN'S EAR AND EYE SCREENING

Project HEAVEN (Hearing And Vision Enhancement) is a unique local NGO that operates throughout Fiji. By identifying and remedying vision and hearing problems in children, the program has a huge impact on their classroom performance. Our contribution will allow the trained teams to screen more than 2,000 children on the remote island of Kadavu.



Project HEAVEN funding. 2007 Heart Foundation surgeries.

FRIENDS OF FIJI HEART FOUNDATION

FIJI-WIDE

VISITING HEART SURGERY TEAM

For the last 2 years, a group of volunteer New Zealand heart surgeons have traveled to Fiji to perform cardiac surgery on eligible high-need children and adults. Our major sponsorship of this program will provide necessary medical equipment.

GOLD FOUNDATION

TAVUA

POVERTY ALLEVIATION THRU EDUCATION

FIJI Water Foundation has funded the Coping with Poverty Through Income Generation Education (CPIGE) pilot program in Tavua. Targeting women in and around Tavua and Vatukoula, the CPIGE workshops empower women through financial independence and help them better manage their time and resources. It also provides them with support to succeed. ■

The Maestro Visits Yaqara

Rugby legend Waisale Serevi kicks off the FIJI Water 7s

Many of us have admired him from a far, but few could imagine the impact this great player and great man has in person. Waisale Serevi, the international legend of Fiji Rugby, made a special appearance at the Fiji Water 7s and Netball Tournament on June 27-28th. His opening words of national pride and hope to the players brought tears to eyes all over the Drauniivi school field. Invoking

the importance of education, Serevi also urged parents & spectators to give generously to the school fundraiser, which operated along side the tournament. At the tournament's end, more than \$20,000 was raised for Drauniivi Public School renovations. Many Thanks Serevi and to all the event organizers!



Serevi and Jim with our FIJI Water 7s rugby teams. ■

LIVEGREEN: A Very Fiji Family Day *continued from page 1*

Nainima, created a beautiful mat in the Fijian style from blue and black resin strapping.

Also present at Family Day were a number of medical officers from Tavua who volunteered their time and, along with our health coordinator Vicky Allen, conducted diagnostic health screenings for Fiji Water family members at the medical booth.

A number of performances kept everyone entertained as the food was served. The boys from Delai Vatuvula Jr. came down from the highlands to serenade the crowd with their newly recorded song *Natural Waters of Viti* inspired by Fiji Water. To everyone's delight, Fleet driver Atalifo Niurou's wife and two daughters performed a traditional Rotuman dance similar to the Hawaiian hula that had everyone cheering.

The day ended on a high note with a long service awards and a ceremony for outstanding performances by employees in the categories of safety, community service, attendance, and innovation.

And wouldn't you know it, at the end of the day, the big winners of the sports competitions were... the Green Team! A fitting end to a day of Fiji Green family celebration.



Congrats Team Green! Co-captains Meraia and Campbell accept the trophy from Jim and Paul. ■

GET INVOLVED!

For those of you interested in participating in outreach opportunities, there are a number of ways you can help make a difference in our Fiji communities:

1. **Make a \$\$ Foundation Donation:** Through Roll Giving Employee Grants or Matching Gifts, you can make a tax deductible donation to the FIJI Water Foundation. www.rollgiving.com
2. **Send us Material Donations:** Whether you're coming to Fiji, know someone who is, or can put a stamp on a box and mail it, send us your used or new **toys, children's books, and school supplies** for our schools. Visit the Well for more info: <http://thewell.roll.ad/Pages/Default.aspx>
3. **Join in:** If you're on your way to Fiji for a week or more, ask about weekend activities- you may be able to help us paint a school room, participate in events like family day, attend ceremonies like the opening of the Tui Vatu's home, or hand out some of your gifts in person at a school or in a village.

If you have more questions about FIJI Water's outreach or the FIJI Water Foundation, please feel free to email me: mpowers@fijiwater.com and stay tuned for an upcoming Foundation website in the next few months. Until September...

Moce mada and Fir Milenge!

Molly Powers, Foundation Coordinator



The Soul of the Water

News from our Vanua

FIJI
WATER

Volume 1, Issue 3

A Quarterly Newsletter for Our Fiji Water Family

September 2008

As-Salaam Walekum!

Or peace to you. Fiji is home to a diversity of cultures, including a large Muslim population. This month, we are mindful of our Muslim friends, brothers, and sisters as they fast and honor their holy month of Ramadan. We also all look forward to joining in the celebration when they break the fast with the great new year's feasts of Eid! Eid Mubarak!

Three Down, Two to Go...

Yet another local kindergarten received a much needed makeover on August 16th when an enthusiastic group of employees descended upon Togovere. The residents of Togovere were ready and waiting with able bodies, tools, and of course, plenty of yaqona (kava) to keep spirits high. A group of 20 of us managed to repaint not only the interior, ceilings, and bathrooms, but also the exterior of the school.

We also installed a new sign to replace the faded one on the school's side, which announces FIJI Water's investment in local education to all passers by. Many thanks to all who joined in the work day, and to those who missed it, not to worry, you still will have the opportunity to join in painting Drauniivi and Naseyani Kindergartens later this year! ■



Water systems tech Adi Tanuwidjaja painting with the girls from Togovere.

Walking on Water

FIJI Water Foundation organizes a company WALK-ATHON to benefit local hospitals and sports facilities.

In the last year, FIJI Water employees have cleaned, painted, screened varnished, power-washed, and pounded nails in the name of goodwill for local schools and hospitals, but on Saturday September 27th, they did something a little different: they walked.



FIJI Water's Walk-a-thon covered 10km (6.2 miles) from the Yaqara Factory along the scenic Kings Highway to the nearby village of Drauniivi and back to the plant. Due to the strong daytime sun in Yaqara, the walk was scheduled for 6:30am to maximize the cool morning cloud cover- a time which may have daunted the weak of heart, but not FIJI Water's finest. Employees, family members, and supporters showed up with an estimated 150 participants, not including volunteer stampers, drivers, first aid, and refreshment teams. The weather

Continued on page 5

INSIDE THIS ISSUE

- 2 Let there be light! ; Employee Spotlight
- 3 Foundation News
- 4 Foundation Spotlight
- 5 Get Involved!



Let There be Light!

Electricity reaches the highland settlements above our plant.

After a lifetime of living by lantern and candlelight, the villagers in Naseyani, Nananu, and Viti Vanua Indian Settlement will soon be able to illuminate their houses, churches, and school rooms with the flick of a switch. The project which has been 3 years in the design stages is now weeks away from becoming reality.

Rural electrification in Fiji is done by means of community and government partnerships. In 2005, Fiji Water's NWWL Trust provided to the government the initial funds needed to start the project, while communities in Naseyani, Nananu, and Viti Vanua each fundraised their shares to install wiring and fuse boxes in their homes. Three years of "Fiji time" later, some were beginning to lose hope of ever seeing the fruits of these investments.

But good things come to those who wait. Progress began in June as the Fiji Electricity Authority began to clear a path for the 7 km worth of poles and power lines. Although many of us lamented the pruning and felling of trees necessary for this work, a certain Fiji Green Gal has assured us that FIJI Water will be replacing the lost trees and then some.

Work has gone surprising quickly, and in the blink of an eye the landscape leading up to the Nakauvadra Mountains has undergone a drastic change, with cement poles standing at attention along the road. The official "Let there be light" ceremony is scheduled for the 24th of October; for communities that are used to waiting, a few more weeks is not too much to ask. ■

Employee Spotlight: Meet Vani

Promoting Women in Sport

For as long as there has been FIJI Water, Vani Naitura has been a fixture at the Yaqara plant. A Drauniivi village native born in Tavua Hospital in 1978, Vani started working at Natural Waters of Viti Ltd. in 1997 as a shipping clerk. She and her husband, Viasi Niudamu, also a FIJI Water employee, have two children, a son, Ratu Marika and a daughter, Litia Adi.

Vani has held a variety of positions at FIJI Water including receiving clerk, receptionist, and purchasing officer. One of the things she has enjoyed most about working for FIJI Water over the years has been "getting to know more people, especially those with foreign expertise." In her current role as Community and Administration Officer, Vani connects with numerous overseas consultants, and also works to build relationships with surrounding communities, including her own village of Drauniivi.



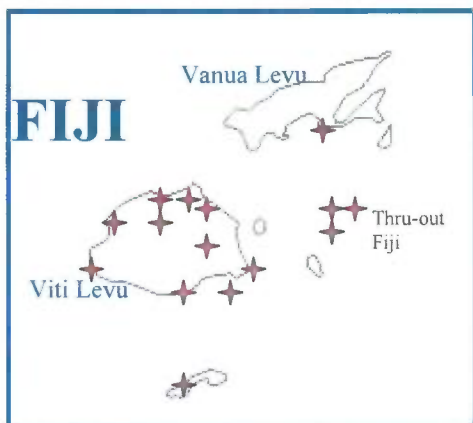
Vani lends a roller to help paint Togovere Kindy.

Outside of work and time spent with family, you'll be most likely to find Vani out on the grass courts at Drauniivi Public School, where she is the driving force behind the Vatukaloko Netball Association. Vani's love for netball began early, when she learned to play on these same Drauniivi courts at the age of 5. Though nowadays Vani often coaches, referees, or runs the show from the sidelines, she is still a force to be reckoned with when she steps onto the court to play her lead position: Center. For those who are unfamiliar with the game of netball, it is a version of basketball with no backboard commonly played in British Commonwealth countries. It is predominantly a women's game, but casual and competitive men's and mixed teams exist in Fiji.

A lot has changed for the VNA in the last few years. Vani notes that, "In previous years we would only do netball for women from 20 to 30 years-old but today we start from

Continued on page 4

FIJI Water Foundation News: *Our contributions and projects throughout Fiji*



FIJI Water Foundation Project Locations

FIJI Water Foundation celebrated its one year anniversary in August, and what a year it has been! The foundation has progressed from sponsoring one-off projects to regularly funding and managing as many as 14 ongoing projects in multiple locations throughout Fiji per quarter, some with NGOs and some directly with grassroots communities and schools.

We have seen a marked shift in general public awareness on the street and in our Suva-based office, where interested parties daily drop by to request an application or discuss potential projects. As the foundation gains momentum, we are thrilled to see the positive changes our work and the work of our partners have made possible.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." - Margaret Mead



Grade 7 students paint the roof. Teacher and completed wire fence.

SAIVOU KINDERGARTEN

SAIVOU, RA

PAINTING, FENCING, RENOVATION

Fencing and repainting of school facilities may seem like a simple task, but for the children of Saivou Kindergarten it has made all the difference. Their kindergarten, once an abandoned building, is now well painted, upgraded, and fenced, providing children with a playground area which the school will continue to develop. All work was accomplished by teachers, primary school students, and community members. The kindergarten now complements the primary school and is a model facility for the region, serving as a host center for teachers' conferences.

VUNISOCO VILLAGE

VUNISOCO, NAMOSI

WATER TANKS

Although the community of Vunisoco overlooks the capital of Suva, they could not be farther removed from the amenities of city living. The mud roads are in poor condition, there is no electricity, and for years the residents of Vunisoco have relied upon water drawn from a dirty creek. With funding from FIJI Water Foundation and in partnership with the outreach organization The Good Neighbor International, (TGNi) Vunisoco now has two 5,000 L tanks collecting rainwater from the clean, guttered

roofs of two centrally located homes. Without electricity to run a well pump and with the plentiful rainfall on this side of the island, rain water collection is the best option for this community. TGNi organizes projects in underserved communities like Vunisoco around the country and FIJI Water Foundation looks forward to partnering with them on future projects.



Vunisoco Tank Blessing.



Turning the tap for clean water.

SAVUSAVU COMMUNITY FOUNDATION

SAVUSAVU, VANUA LEVU

HEALTH CARE, EDUCATION

Composed of concerned citizens from the Cakaudrove province in Vanua Levu, Savusavu Community Foundation concentrates its aid in the core areas of Health, Education, and Cultural support. This year with FIJI Water Foundation's aid, they have organized free dermatology, pulmonary health, and eye clinics given by visiting experts for the citizens of Northern communities. Thanks to the SCF, over 1700 citizens received glasses and eye exams, 175 were provided cataract and corneal procedures, and 200 were treated for tuberculosis, asthma, and other pulmonary diseases. In November, they'll host a school-based dental health program, and they also continue collecting and distributing books to schools, food hampers to the needy, and working on the construction of Savusavu's first fitness and sports facility. ■

FIJI Water Foundation Spotlight:

ROTARY PACIFIC WATER FOR LIFE

Piped water at last... Safe clean water in the pipeline... "Christmas came early for some 342 villagers of Solevu in Malolo who now have bore holes to provide water thanks to the Rotary Water for Life Foundation. The villagers have relied on wells and rainwater for 20 years..." FIJI Water Foundation is proudly playing a part to make sure stories such as these become more common in Fiji's newspapers.

The inaugural project of the FIJI Water Foundation, Rotary Pacific Water for Life Trust provides schools, communities, and health centers with the technical support and funding necessary for the delivery of safe and clean water, by the best possible means. In an effort to empower communities to take ownership of their water solutions, RPWFL works directly with stakeholder committees to design, build, and maintain the water projects. The RPWFL Trust was officially launched in September 2007 by the Rotary Club of Suva East and founding sponsors FIJI Water, Vodafone, Golden Manufacturers, & Westpac Banking Corporation. Sixty-eight projects are currently in various stages of assessment and construction, while completed projects have already touched communities across Fiji from Vanua Levu to the Mamanuca Islands.

Sounds great, but sustainable water solutions do not spring up by themselves over night. RPWFL depends upon the services of volunteer hydrogeologists,

engineers, and technical advisors, but most of all, it depends upon the tireless efforts of organizational manager Joel Sahai and project coordinator Resina Koroi. Though hired only a few months ago, Joel has already injected new energy and improved direction into RPWFL's organization and processes. Meanwhile, Resina has been at the heart of RPWFL since its inception. She starts her days at 6am answering emails, following up on project applications, and by the time most of us are arriving at the office, she's heading into the field to visit her ongoing and potential projects. She is more than happy to be the one behind the scenes, quietly getting this important work done. "Access to safe drinking water is a human right and there are many communities who have suffered in silence," says Resina with obvious passion for her work. "One out of every four deaths under the age of five worldwide is due to a water-related disease and in developing countries like ours about 80% of illnesses are linked to poor water and sanitation conditions."

Projects such as RPWFL address UN Millennium Development Goal No. 7: to reduce by half the number of people without access to safe drinking water and basic sanitation by 2015. With projects like this gathering speed, we all can look forward to more good news to come.



Resina Koroi and Waisale Serevi with RPWFL founding sponsors

Employee Spotlight *continued from page 2*

Primary School level right to veteran grade, which is great because it contributes to their health."

Another big change came with FIJI Water's decision to support the local netball clubs' fundraising efforts and to provide transport to weekly games and trainings. According to Vani, FIJI Water's assistance "has lifted participation to another level on and off the courts" in addition to improving the girls' skills. As a minor division team, the VNA has managed to beat major division teams in the Fiji Netball Association.

Vani says it is very important for women in Fiji to be involved in sport "to help develop healthy living and also to provide employment in terms of playing locally and overseas." Her future goals for the Vatukaloko Netball

Association include the construction of a multi-purpose court in Drauniivi, the like of which is only found in Fiji's largest cities. Such a facility would not only help develop the talent and enthusiasm of young sportsmen and women, but it will also make Vatukaloko a destination venue for sports competitions and events. Vani would like to see the VNA "develop through outreach programs to villages and communities in rural areas" so that someday the vanua Vatukaloko will be synonymous with netball excellence. Many would agree that she is already well on the way to achieving this goal.

As a final thought, Vani asks only that players and supporters alike remember to keep alive "the spirit of netball." Vinaka Vani. ■

WALKING ON WATER*continued from page 1*

was ideal- not too hot, not rainy or muddy- and it held out until the last of the walkers finished around 9:30am.

We had participants from all "walks" of our FIJI Water family. World Famous Rugby legend Waisale Serevi joined us with his wife and two daughters and they made excellent time despite the numerous photos they stopped to take! Tavua Police and our own Homelink Security force joined in the walking and also helped to keep King's Highway traffic moving at a cautious speed. Adi Tanuwidjaja, Moses Hicks, and William Greig raced their way to a fast finish and had everyone on the road cheering, while William Morrison and Amoi Mausio started early and kept a great pace. Impressive were Vinay Kumar and Nanise Levi, both who completed the walk barefoot.

It was fantastic to see so many families out walking. Lance and Vicky Allen had three generations of Allens out on the course. Congratulations are due to the many mothers, among them Ili Momo, Elenoa Koro, Emma Cola, and Anna Morris, who were able to herd their little ones AND make good time- no small effort there! A big shout-out also goes to our late starters Titilia, Aymie, and Naomi who joined us all the way from the Lautoka office and cruised along at an athletic pace despite the sun.

All the funds raised by employees will go towards much needed equipment and medical supplies at Rakiraki and Tavua Hospitals, as well as supporting a capital fund to construct multipurpose courts and improve drainage at the Drauniivi School sports ground. Improved sports facilities will be a great community and school resource for improved health and fitness, and they will be the only such facilities on our side of the island, drawing more events to an area which is well known for its sporting talent. Participants raised funds by soliciting businesses around Fiji. Our business associates from all over Fiji contributed, from Vodafone and ANZ to Westpac Banking Corporation and Elisha Engineering. Glamour Arts donated their services in producing our sponsorship cards free of cost, while Unipro printed t-shirts for us at discount. We're still waiting for all the money to be collected, but early calculations suggest we've raised well over \$4000. Every dollar will be matched by the FIJI Water Foundation.

Grand prizes went to our top finishers in the Men's, Women's, and Children's categories, as well as first employee from each of the 3 shifts, biggest fundraiser, and oldest and youngest walkers. This was FIJI Water's first such event, but as Red Team representative Ernest Petuelli

enthusiastically proclaimed "Not the last!" We hope the Walkathon will inspire future fundraisers for years to come.



Waisale Serevi with the Walk-a-thon's oldest and youngest participants: Ilaisa Bete Snr. and Lilly Anne Allen. ■

GET INVOLVED!

For those of you interested in participating in outreach opportunities, there are a number of ways you can help make a difference in our Fiji communities:

1. **Make a \$\$ Foundation Donation:** Through Roll Giving Employee Grants or Matching Gifts, you can make a tax deductible donation to the FIJI Water Foundation. www.rollgiving.com
2. **Send us Material Donations:** Whether you're coming to Fiji, know someone who is, or can put a stamp on a box and mail it, send us your used or new **toys, children's books, and school supplies** for our schools. Visit the Well for more info: <http://thewell.roll.ad/Pages/Default.aspx>
3. **Join in:** If you're on your way to Fiji for a week or more, ask about weekend activities- you may be able to help us paint a school room, participate in events like the walkathon, attend ceremonies like the opening of the Tui Vatu's home, or hand out some of your gifts in person at a school or in a village.

If you have more questions about FIJI Water's outreach or the FIJI Water Foundation, please feel free to email me: mpowers@fijiwater.com and stay tuned for an upcoming Foundation website in the next few months. Until September...

Moce mada and Fir Milenge!

Molly Powers, Foundation Coordinator

The Soul of the Water

News from our Vanua

FIJI
WATER



Volume 1, Issue 4

A Quarterly Newsletter for Our Fiji Water Family

December 2008

Marau ni Siganisucu kei na Tawase ni Yabaki

Naya Saal Mubarak

Happy Holidays and a Joyous New Year

Going FIJI Green in Schools

As part of our commitment to help green up our local vanua, FIJI Water has provided jumbo sorting waste bins to Naseyani and Drauniivi Primary and Jr. Secondary Schools. The metal bins contain separate compartments for plastic bottles, plastic bags, cardboard & paper, and normal waste. Teachers and children sort their recyclables and FIJI Water provides regular pick up. By working with our local schools, we hope to get kids hooked on the recycling habit early. The schools reap the benefits of cleaner compounds and any profits from the sale of used materials go back into the community. We've started with these 3 local schools, but would like to take this model out to our neighbors as well. One green step at a time, we're making a big difference. ■



Making use of the new recycling bins, care of FIJI Water

Clean Up, FIJI-style!

FIJI Water employees chip in to clean up Tavua .

For the first time this year, FIJI Water employees participated in Fiji's Nation-wide annual cleanup campaign. *Clean Up Fiji* annually mobilizes friends of the environment all over Fiji for a big day of rubbish clean up. They provide gloves and bags, government organizes disposal, and we provide the man power.



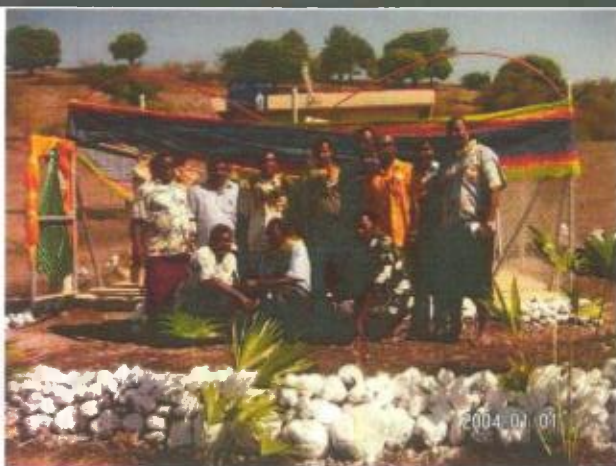
FIJI Water participants in Clean Up Fiji Campaign at Garvey Park

A group of about 30 employees, family members and friends gathered at the Tavua bus stand on Saturday November 22nd and divided and conquered the main streets and crossroads of Tavua. A number of participants came straight off the midnight-8am night

continued on page 6

INSIDE THIS ISSUE

- 2** Water for Togovere ; Employee Spotlight
- 3** Foundation News
- 4** Foundation Spotlight
- 5** Roll Giving in Fiji
- 6** Get Involved!



The official opening ceremony at the Togovere bore hole house

Water for Togovere

Fiji Water celebrates the opening of Togovere's improved sustainable water system.

During Fiji's dry season (April-November) the villages surrounding our Yaqara factory see very little rain, with the landscape taking on the appearance of a blonde savannah. Fortunately, the greatest water in the world runs underground here. As the villages have continued to grow and place greater demands on the water systems provided years ago by government, FIJI Water has stepped in to help the villages of Drauniivi, Togovere, and Rabulu. By working together with water committees composed of community members and employees in these three villages, FIJI Water has taken the partnership approach to development. The villages can take pride and ownership in these projects, as they have played in integral role in their design and implementation.

Togovere's is the first of these three water projects to reach successful completion. On Friday October 24th, British High Commissioner Roger Sykes and Director of External Affairs David Roth officially opened the new water project, which is arguably the most comprehensive and professional of any rural water project in Fiji—as well it should be. With voluntary assistance from FIJI Water's technicians, the guidance of a retired plumber for Fiji's Public Works Department who co-chairs the Togovere water committee, and a cooperative attitude among village stakeholders the project was well planned and implemented.

Congratulations to all involved. We look forward to Drauniivi and Rabulu's completion in early 2009. ■

Employee Spotlight: *Meet Dharmendar*

Engaging in the FIJI Water Community family-style

Our FIJI Water family is made of people from many walks of life and from all over Fiji, not only from the villages surrounding our factory. One such member who has been making a big impact since his arrival at the Yaqara factory is Dharmendar Chand.

A native of Labasa Town on Fiji's second largest island, Vanua Levu, Dharmen attended primary and secondary school in Labasa before moving to Suva to pursue a BSc in Chemistry and Biology at the University of the South Pacific. Beginning his career as a secondary science teacher in Labasa, Dharmen went on to hold positions as Laboratory Technician at Carlton Brewery, Senior Production Technician at Coca-cola, and Process Supervisor at Goodman Fielder before joining FIJI Water's Process Team in February of 2007. Most recently, Dharmen has been promoted to the position of Roll Excellence leader, working with Engineering and Production towards the continuous improvement of our product and the production process. He enjoys working for FIJI Water saying "it empowers its employees for responsibility and taking pride in the production of the World's No. 1 bottled water."

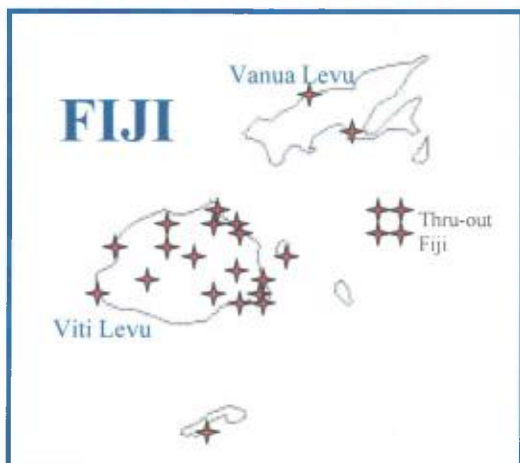


Proud parents Dharmendar and Praveena with Nivandita and Devit

Coming to work for FIJI Water meant more than another career move for Dharmen- it also meant uprooting his family and resettling in a new, unfamiliar part of Fiji. Moving from the "big city" life of Suva out to the rural township of Rakiraki was a big transition for Dharmen, his wife, Praveena- a primary school teacher- and their two young children, Devit, and Nivandita. After more than twelve years in Suva, however, Dharmen says it is a welcome change. "Here in Rakiraki there is no traffic congestion and beautiful white sandy beaches."

continued on page 6

FIJI Water Foundation News: *Our contributions and projects throughout Fiji*



FIJI Water Foundation's Board approved more than \$163,300 FJD worth of funding in October for nine more projects, many in schools needing water or educational resources support. We have directly supported projects in 11 of Fiji's 14 provinces and look forward to extending our outreach. Below is a selection of some educational projects currently in progress.

"FIJI Water has essentially given the gift of life to children all over Fiji."

—Deaconess Olivia Nataniela of Dilkusha Girls Home



Kindergarten classes in Wailea and Jittu squatter settlements

SAVE THE CHILDREN FIJI

SUVA & LABASA

SQUATTER SETTLEMENT PRESCHOOL EQUIPMENT & MATERIALS

Save the Children Fiji's Mobile Playgroup Project is an initiative to bring sustainable, community-driven kindergarten programs to underprivileged urban areas where many children would otherwise receive no early childhood education. FIJI Water Foundation's generous donation towards this program will provide the support to help get these kindergartens running self-sufficiently, in addition to providing them with playgrounds, furniture, puzzles, toys, and school supplies.

NAVESAU HIGH SCHOOL

NAVESAU, RA

WATER PROJECT

At Navesau Adventist High, an international school attracting students throughout the Pacific, the campus and setting along the Wainubuka River is picturesque, until you learn that this same river has been the school's primary source of drinking water. Until now. Thanks to FIJI Water Foundation, Navesau will have an operational bore hole, tank, and reticulation system when they open in 2009.

TAVIYA DISTRICT PRIMARY SCHOOL

OVALAU, LOMAIVITI

SCHOOL LIBRARY

Taviya District Primary School is on the remote northern side of Ovalau Island in the Lomaiviti Group and caters to 80 children from nearby villages. Until recently, their students have made do with outdated library books borrowed from a dark closet labeled a library. With FIJI Water's support, the first such outside donation they have received, the school management will be able to build and outfit a new library.



Recess at idyllic Taviya Inside the Matakoko Hall in progress

MATAINOCO VILLAGE

TAILEVU

COMMUNITY MULTIPURPOSE HALL

A fixture in nearly every village in Fiji, the community hall is a central meeting place serving a variety of functions: meetings, receptions, kindergarten classroom, and lecture hall. In their efforts to construct a hall in their village, the 100+ community of Matakoko in rural Tailevu, have fundraised and applied for aid through a variety of sources to no avail. Now, thanks to FIJI Water Foundation and great cooperative effort on the part of the villagers, Matakoko is looking forward to opening their new Community Hall in January of 2009. ■

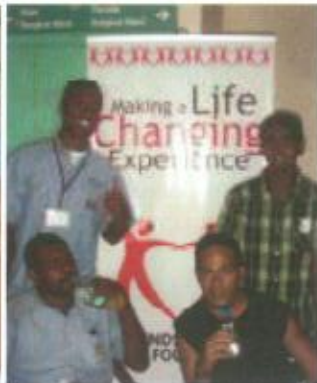
FIJI Water Foundation Spotlight:

The Friends of Fiji Heart Foundation

25 successful surgeries mean a second chance at life



Mohit Dass with his mother



Thankful doctors & patients

A life can change in a year, a day, or in the space a few seconds. From November 6th-16th, the Friends of Fiji Heart Foundation dramatically changed the lives of twenty six individuals suffering from heart ailments by providing them with free surgeries unavailable in Fiji. Fifteen people had successful heart operations while ten others have new pacemaker sets installed at the Lautoka Hospital.

The Foundation, made up of medical experts from New Zealand, was founded in 2006 by Fiji-born cardiothoracic surgeon, Dr. Parma Nand, who is now based in Auckland and known throughout the Pacific. The operations were performed pro-bono by a team of 47 health care professionals from New Zealand working around the clock, including surgeons, anesthetists, nurses, technicians, physiotherapists, and a pharmacist.

FOFHF have conducted a total of 41 heart surgeries under the same project in 2006 and 2007. Says trustee Deepak Singh, "This is our third year in Fiji and we are thankful for the support shown by companies like FIJI Water, Suva Rotary, Air New Zealand, Air Pacific, Lautoka Hospital and the Ministry of Health for making this trip happen. Without

the support of these groups, most people would probably live with heart problems all their life." As a major sponsor of the surgeries, FIJI Water Foundation donated a total of \$30,000 towards medical supplies and heart valves.

An emotional father said he would forever be thankful to the Friends of Fiji for saving his son Mohit's life. 17-year-old Mohit Dass was the first patient to go undergo surgery this year. Despite the heart condition he has had since birth, Mohit loved to play soccer. "He was a very active child but experienced breathing problems most of the time and as a result we have to stop him from playing competitive games," said his father. A sixth form (senior) student at Bhawani Dyal College in Nausori, Mohit did not take his Fiji School Leaving Certificate Exam in order to have the surgery. "He can go back to school but this chance only comes once in a lifetime so we didn't want to miss it," his father said.

Another patient, Rashid Ali, is a 26-year-old mother of one from Labasa. Her husband Roshan said Rashid had been living with a valvular heart condition since birth. "We can't afford to pay for this kind of operation and this is a once in a lifetime opportunity. I'm sure all those who undergo surgery will agree with me." Mr Ali said words could not describe their relief and joy. "I only hope that they will come back next year to save more people like they did my wife." ■



RollGiving

MAKES A DIFFERENCE IN FIJI

With 76 FIJI Water and now 35 Neptune Shipping Employees participating in Roll Giving in Fiji, our donations are starting to have a major impact on social welfare organizations around Fiji... and also on how our employees participate in their communities.



Meraia Bativaga presents Dilkusha Girls' Home's Donation



Molly Powers with the girls from Treasure House

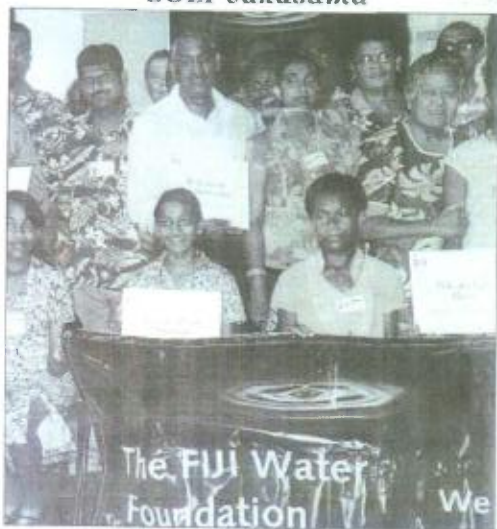
Our company has been giving back to Fiji for many years, in many ways through donation of water, sponsorship, local outreach, volunteer workdays, and through the FIJI Water Foundation. Beginning last year, however, we were thrilled to make "giving back" an activity that all our employees could actively participate in through Roll Giving.

Through Roll Giving, salaried Fiji-based employees are given \$250-\$1000 USD to donate to charities of their choice. FIJI Water (Fiji) joined the Roll Giving program mid-2007 with just three named charities and has grown today to include over 20 organizations identified by our employees.

In 2007, we achieved 100% participation by eligible employees and just last week, we arrived at the same 100% mark for 2008.

On Saturday, October 18th we invited representatives from six of the most popular charities to come to the Yaqara factory for an official presentation, tour, and lunch. It was an opportunity for them to meet us and see what our company is about, and likewise for our employees to meet representatives from their chosen charities and to physically participate in the donations. The collective donations of our employees from 2007-2008 totaled over \$23,000 FJD to just these six organizations, showing that many small contributions can add up to a big difference! ■

SOLI vakasama



Our gift as covered in the local Fijian language news.
Translated "THOUGHTFUL GIFT"

FIJI's Popular Charities in 2007-2008

Charity Name	# Donations	\$ Total FJD
FIJI Water Foundation	54	\$ 12,489.00
1. St Christopher's Orphanage	32	\$ 5,890.00
2. Treasure House Orphanage	30	\$ 3,835.00
3. Fiji Crippled Children's Society	22	\$ 4,175.00
4. Fiji Red Cross Society	19	\$ 3,185.00
5. Ra School for Disabled Children	18	\$ 3,840.00
6. Dilkusha Girls' Home	15	\$ 2,095.00
Conservation International	10	\$ 3,685.00
Rotary Pacific Water for Life	2	\$ 265.00
TOTAL		\$ 39,459.00

CLEAN UP, FIJI-STYLE*continued from page 1*

shift, grabbed a bag and got to work. The Corrie and Erone families represented well, as did the Vatukaloko Netball team. A group from the Tavua Town Council and Red Cross also were at work cleaning, with many hands making light work. After an hour and a half of clean up, the teams met at Tavua's Garvey Park in plenty of time to beat the lines to the Gold Town Charity Carnival. While some stuck around for the popcorn, rides, and the morning baby show, others adjourned to Apao Erone's home for a few bowls of kava.

A highlight of the morning came when a farmer from the Tavua market offered us a big, sweet watermelon as a token of his gratitude. Following the clean up, the watermelon was sliced up for all to enjoy with the kava.

Employee Spotlight *continued from page 2*

The family has wasted no time getting involved in the local community, both through FIJI Water and through their own initiative. In addition to sitting on the FIJI Water Family Day and Walk-a-thon planning committees and acting as Process Club chair, Dharmen is now managing the FSC Soccer club and is a member of the Rakiraki Bowling Club. He and his family enjoy weekend activities such as swimming and fishing trips to nearby Malake Island, where he counts the Fijian villagers there as "friends who are just like our family."

Most notable has been Dharmen and his family's eager participation in the FIJI Water volunteer work days and events. Dharmen's clan are regulars at the Rakiraki Hospital Clean Up days, happy to grab a rag or scrub brush and work until the job is done. In late November, Dharmen himself organized a clean up day at the hospital, with more than twenty volunteers from the community and FIJI Water. It was hard work, he said, but with a good team, it went by quickly.

At last June's family day, Dharmen and his family were recognized with a Community Service award for their contributions. Dharmen recalls feeling "shocked... [we] never thought [we] were watched so closely!" Of the work that won him the award, Dharmen shrugs off any sacrifice. "It's fun for us and I think this also teaches my kids to be more giving – it becomes an outing for us and my kids learn about the importance of community service.... You can be an example yourself. Go on all fours in the toilets of the hospital or school; it's a dirty job but it's fun and satisfying!" Keep up the great work, Dharmen. ■

Our employees joined more than 20,000 total participants from all over Fiji to help make this year's Clean Up the biggest success ever! Visit www.cleanupfiji.org for more details. ■



Our team cleaning up the streets of Tavua

GET INVOLVED!

For those of you interested in participating in outreach opportunities, there are a number of ways you can help make a difference in our Fiji communities:

1. **Make a \$\$ Foundation Donation:** Through Roll Giving Employee Grants or Matching Gifts, you can make a tax deductible donation to the FIJI Water Foundation. www.rollgiving.com
2. **Send us Material Donations:** Whether you're coming to Fiji, know someone who is, or can put a stamp on a box and mail it, send us your used or new **toys, children's books, and school supplies** for our schools. Visit the Well for more info: <http://thewell.roll.ad/Pages/Default.aspx>
3. **Join in:** If you're on your way to Fiji for a week or more, ask about weekend activities- you may be able to help us paint a school room, participate in events like Clean Up Day, attend ceremonies like the Togovere Water Opening, or hand out some of your gifts in person at a school or in a village.

If you have more questions about FIJI Water's outreach or the FIJI Water Foundation, please feel free to email me: mpowers@fijiwater.com and stay tuned for an upcoming Foundation website in the next few months. Until Next Year...

Moce mada and Fir Milenge!

Molly Powers, Foundation Coordinator



Issue 5/ Jan-Mar 2009

Wai ni Bula means Water of Life



Fiji ushered in a disastrous new year as the Western and Northern cities of Fiji were hit by a series of tropical storms from January 8th-13th. Combined with the full moon high tides, this resulted in the worst flooding in modern memory. Twelve lives were lost and thousands of Fiji citizens are now forced to rebuild their homes, lives and businesses.

Despite the tragic losses, the flooding resulted in a humbling show of national outreach. Businesses, organizations, and individuals joined together to collect clothing and food, provide emergency relief, and fundraise for relief efforts. Read on to learn how FIJI Water has helped lead the charge.

According to SOPAC, some areas recorded:

- 100mm rain in 10 min
- 300mm rain in 1 hr
- 600mm rain in 4 hrs (600 mm is Berlin's annual rainfall)
- Nadi and Ba upstream river levels were more than 1/3 higher than ever recorded

INSIDE THIS ISSUE

- 2** Flood Relief Feature
- 3** Earth Hour; Employee Spotlight
- 4** Foundation News
- 5** Foundation Spotlight
- 6** Netball Opens; Get Involved!

FIJI Water Heroes

FIJI Water comes to the nation's aid at a time of crisis

On the second weekend of January 2009, Fiji's citizens huddled around their radios, televisions, and newspapers, desperate for morsels of news. All of the towns and cities in the Western division were underwater; more than 12,000 people were living in emergency evacuation centers at schools and community buildings; 12 lives were swept away by raging rivers and landslides; planes were grounded, roads were impassable; electricity and water lines were severely damaged. This, mere days away from the beginning of the school year.



Lining up for Water relief at Nawaka in Nadi

As days ticked by and the scale of the disaster became clear, FIJI Water's business leaders acted with decisive foresight. Realizing that the Red Cross and Government alone would not be able to respond to the mass critical need for safe drinking water and that the flood zones were ripe with potential exposure to water-borne disease, FIJI Water quickly responded with a plan: to mobilize our trucking fleet to distribute cartons of FIJI Water and order six 24,000L Flexi-tanks for delivery of bulk water. Director of Production,

continued on next page

FIJI Water Heroes *continued from page 1*

Anna Morris, and Fleet Director Anare Ravulo organized this effort which continued where needed throughout the months of February and March.

Aside from water, Fiji faced numerous issues of immediate urgency: hospitals and health centers were damaged or without water; commercial and food security farmers had taken a brutal blow, and many had little to eat; school buildings and materials were damaged, meanwhile children needed to return to school.

In generous response, company President John Cochran arrived in the country on January 28th and met with Fiji's Interim Prime Minister to announce that through the FIJI Water Foundation, Stewart and Lynda Resnick would donate \$500,000 USD (\$1 million FJD) towards rehabilitation efforts.

FIJI Water conducted rapid assessments of education, health, water and nutrition needs. With the funding provided by the Resnicks, we made needed repairs to a number of schools, replaced damaged library books, and purchased exercise books for more than 10,000 students at 26 schools.

Our own engineering team, lead by Chief Engineer Lance Allen, installed back-up water tanks at four local hospitals and health centers, allowing them to reopen to serve the public.

Through The Good Neighbor International we were able to provide relief food rations to more than 2,800 people, and through the Department of Youth and Sports we supplied root crop and vegetable seedlings, tools, and greenhouse materials to help 14 flood-affected schools regain their food security self-sufficiency.

In addition, numerous members of our FIJI Water family took it upon themselves to donate money, food, clothing, cooking tools, and their time to volunteer relief efforts around the country.

FIJI Water can take tremendous pride in the work which was accomplished by our team. There is not enough space here to acknowledge all the individuals that played an important role in these

efforts. Together we have helped our friends, neighbors, and Fiji's children recover a semblance of normalcy in the wake of a disaster. ■



\$1m from our heart, says Fiji Water



Without rain there would be no rainbows. If our lives were never broken, we would never see the strength of human courage. Give thanks, even for the times which try our souls.
--Anon.





One Hour Greener

Fiji Water joins Earth Hour worldwide

Fiji Water and its 500 employees in the West were proud to join Fiji's Earth Hour celebrations this year. On March 28th from 8.30pm to 9.30pm, the factory in Yaqara shut down bottled water operations and used critical lighting only, as did the logistics, finance, and foundation offices in Lautoka and Suva. We encouraged our employees, friends, and neighbors in the communities around our factory to do the same, we supplied water to Earth Hour volunteers in the West, and also assisted in the collection and recycling of those donated bottles.

Elsewhere in Fiji, landmark buildings turned off their lights, restaurants held candlelit dinners with live guitar serenades, and at resorts guests were guided to their rooms by tiki torch.

Participating in this year's Earth Hour is a part of our ongoing commitment to energy efficiency and the environment. As we work on big projects- cutting emissions across our products' entire life cycle, promoting local recycling, investing in forest carbon and renewable energy projects- we also remember that there are small things we can all do every day to make a difference on our planet.

For more information about Earth Hour, visit www.earthhour.org and see how you and your community can be a part of next year's celebration. ■

Employee Spotlight: *Meet Claudette*

A Passion for Volunteering

Many of our employees went above and beyond the call of duty in the wake of the recent floods, but one woman in particular stands out from the crowd. Claudette Queet participated not only in Fiji Water's disaster relief, assisting in the provision of water to communities throughout the West, but she is also a Red Cross volunteer and was among those first on the scene at numerous disaster sites.

A Lautoka native, Claudette joined Fiji Water in 2006 as a member of the Sales and Marketing team. In 2007 she shifted positions to Fleet Maintenance and now helps to run Fiji Water's round the clock trucking operation. She was one of the first four courageous women hired into what is typically a man's role in Fiji, and she continues to shine and inspire others.



Claudette

In 2002 Claudette was working in Nestle Trading Ltd. when Hurricane Aymie hit the northern town of Labasa, causing dramatic flooding and wind damage. Looking for a way to assist, Claudette got involved with the Labasa branch of the Red Cross and helped to assess the damage and distribute needed emergency items. The experience stuck with her.

A few years later, back in Lautoka, Claudette was given the opportunity to make a bigger commitment to volunteering with Red Cross, as a fully trained and on-call volunteer. She attended training in disaster introduction

continued on page 5